

Donegal ETB Equality Diversity and Inclusion Policy

Version 1

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September 2024



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Bord Oideachais agus
Oiliúna Dhún na nGall
*Donegal Education and
Training Board*

Policy Development Details

Policy Name	Equality Diversity & Inclusion Policy
QQI Core Guideline	Equality and diversity are a fundamental element of all eleven of the QQI Core Statutory Quality Assurance Guidelines .
Policy applies to	All Staff All Students Donegal ETB visitors, customers, stakeholders, third party service providers and contractors
Approved by	
Approval Date	
Effective Date	
Review Date	
Version	Draft Version 1
Reference Documents	Disability Act 2005 Employment Equality Act 1998 - 2015 Equal Status Acts 2000–2018 Equality Act 2004 Irish Human Rights and Equality Commission Act 2014 [See Section 42 Page 35] QQI's Core Statutory Quality Assurance Guidelines Understanding legal definitions of discrimination and unlawful behaviour in the Equality Act , Equality and Human Rights Commission The Public Sector Equality and Human Rights Duty (the Duty) Donegal ETB Strategy Statement 2022 - 2026 Grievance Procedure for Staff employed by Donegal Education and Training Board (2013) Donegal ETB Complaints Procedure (2013) Donegal ETB Disciplinary Procedures – Teaching Staff Donegal ETB Disciplinary Procedure – Non Teaching Staff Donegal ETB Harassment/Sexual Harassment Policy

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Abbreviation List

Acronym	Definition
ETB	Education and Training Board
ETBI	Education Training Board Ireland
FET	Further Education and Training
HET	Higher Education and Training
NFQ	National Framework and Qualifications
RPL	Recognition of Prior Learning
QA	Quality Assurance
QASS	Quality Assurance Support Service
OSD	Organisational Support and Development

Glossary of Terms and Definitions

Term	Definition
Bullying	<p>Repeated inappropriate behaviour, direct or indirect, whether verbal, physical, cyberbullying or otherwise, conducted by one or more persons against another or others which could reasonably be regarded as undermining the individual's right to dignity.</p> <p>Cyberbullying is bullying which is carried out online e.g. mobile phones, social networking sites, email, texts etc. Once-off incidents can be deemed to constitute a form of bullying.</p>
Discrimination	<p>The treatment or potential treatment of a person that is less favorably than another person in a comparable situation based on the ten equality grounds. This includes direct and indirect discrimination.</p> <p>Direct discrimination happens when a person is treated less favourable because of any one of the ten grounds defined in the Equality Status Acts (2000-2018).</p> <p>Indirect discrimination occurs when an apparently neutral practice or policy puts someone belonging to one or more of the ten equality grounds at a disadvantage in comparison to someone else. This includes when there is a practice or policy that has a more detrimental effect on certain groups or individuals.</p> <p>Discrimination by Association occurs where a person is treated less favourably due to an association with someone belonging to one or more of the ten equality grounds.</p> <p>Discrimination by Imputation occurs when a person is treated less favourably due to being labelled as belonging to one or more of the ten equality grounds (see below).</p>
Diversity	<p>Demonstrating through practice an acceptance, appreciation and respect for diversity and not merely acknowledging and/or tolerating diversity. This involves the ten identified groups for the Duty below, which recognises the specific needs which may result from this diversity, and the need for flexible systems and adaptation for diversity of both staff and students.</p>
Equality Grounds	<p>The equality grounds refer to the ten grounds (identified groups for the Duty) upon which people cannot be discriminated against and/or experience harassment/ sexual harassment as defined by the Equal Status Act and the Employment Equality Act:</p> <ul style="list-style-type: none"> • Gender – a person's identity as male or female (including transgender persons). A person may identify away from the binary gender model. • Civil Status – single, married, separated, divorced, widowed, in a civil partnership or being a former civil partner. • Family Status – responsibility as a parent or as a person in loco parentis in relation to a person under 18, or as a parent or the resident primary carer of a person over 18 with a disability.

	<ul style="list-style-type: none"> • Sexual Orientation – including but not limited to Heterosexual, Gay, Lesbian, Bisexual or Asexual. • Disability – temporary or permanent conditions impacting the physical, mental or emotional functioning of a person, including a range of medical conditions, learning, intellectual and cognitive disabilities. • Race – including Race, Colour, Nationality, or Ethnic or National Origins. • Religious Belief – including different religious affiliations as well as absence of religious beliefs. • Member of the Traveller Community – referring to the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland. • Age – this does not apply to a person aged under 16. • Socio-economic status (at risk of or experiencing poverty and exclusion).
Harassment	<p>Harassment refers to any form of unwanted conduct related to any of the ten equality grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Once-off incidents can be deemed to constitute a form of harassment.</p> <p>Sexual Harassment refers to any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.</p> <p>Both forms of harassment are prohibited under the equality legislation.</p>
Inclusion	It is about ensuring that our working and learning environment is one in which all Donegal ETB staff, students and other stakeholders feel that diversity is valued.
Positive Action	<p>Positive action is defined by the Employment Equality Act as measures maintained or adopted with a view to ensuring full equality in practice to prevent or level the impact of disadvantages linked to any of the ten equality grounds, to protect the health and safety of persons with a disability, or to create or maintain facilities for safeguarding or promoting the integration of such persons into the Organisation.</p> <p>Positive action is defined by the Equal Status Acts as voluntary actions an organisation could take to address any imbalance of opportunity or disadvantage that an individual or individuals with one or more protected characteristics, could face.</p>
Reasonable Accommodation	Reasonable accommodation refers to effective, reasonable and practical changes that can be put in place to enable staff and students with a disability to carry out their work on an equal footing with others. Accommodations can include adapting premises (ramps, lifts, etc.), providing / adapting equipment (assistive technologies), adapting resources (large print) and administering assessments that

	<p>allow students to demonstrate their learning without compromising the integrity of the assessment.</p> <p>Reasonable accommodation is a requirement under the Employment Equality Acts and the Equal Status Acts.</p>
Stereotypes	A stereotype is a fixed general image or set of characteristics that a lot of people believe represent a particular type of person or thing.



01

Policy



1. Policy

Donegal ETB has a responsibility under the Public Sector Equality and Human Rights Duty, to promote equality, eliminate discrimination, prevent and eliminate harassment and sexual harassment, to commit to the elimination of stereotypes in workplace and learning environment and protect the human rights of their employees, customers, service users, and everyone affected by their policies and plans. It also has a responsibility to make reasonable accommodation for disabled staff and students and meet the specific needs for staff and students from the other identified groups. These are legal obligations and are contained in:

- [Irish Human Rights and Equality Act 2014.](#)
- *The Employment Equality Act 2014*
- *Equal Status Act 2015*

And including the

- *Public Sector Equality and Human Rights Duty (the Duty)*

Donegal Education and Training Board is committed to being an organisation that treats everyone equally across the grounds of their race, gender, religion/belief, age, family status, marital status, membership of the Traveller community, sexual orientation, ability or socio-economic status (the ten identified groups for the Duty) and the intersections between these grounds. It is committed to enabling and supporting voice, structures and opportunities for staff and students from the ten identified groups for the Duty.

Donegal ETB values and promotes a diverse and inclusive learning community which enhances the learning and working experience of its students and staff. We promote a culture of excellence, care, respect and community in line with the core values of our organisation.

Donegal ETB is committed to developing systems that recognise diversity and allow us to adapt for specific needs which will be included in mainstream provision for both staff and students from the ten identified groups for the Duty, including reasonable accommodation of disabled people.

Donegal ETB will strive to develop and implement clear policies and practices that will support an equal, diverse and inclusive learning and work environment. Donegal ETB strives to achieve equality of opportunity, experience, and outcome across the diversity of staff and students.



02

Purpose

2. Purpose

The purpose of this policy is to present Donegal ETB's commitment to equality, diversity and inclusion for all staff, students, and service providers.

This policy has been developed to realise Donegal ETB's core values of excellence, equality, care, community and respect and to outline its obligations in these areas.

As a public body, Donegal ETB has a statutory duty under the Irish Human Rights and Equality Act 2014 to eliminate discrimination, promote equality and protect human rights of staff and people availing of their services. Section 42 of this Act requires public bodies to assess, address and report on progress in relation to equality and human rights in their strategic plan and annual reports in a manner accessible to the public (Appendix 1).

Donegal ETB will strive to achieve equality of opportunity, experience and outcome for all employees, prospective employees (job applicants), students, and prospective students (course applicants) in a context free from discrimination, harassment/sexual harassment and prejudice.

The policy sets out the commitment of Donegal ETB to ensure that all our policies, service plans, practices and procedures reflect our equality, diversity and inclusion policy. This policy underpins our commitment to:

- promote equality in education for all students across the education and training cycle, providing an excellent education for all, and enabling all students to maximise their potential.
- to promote equality in the workplace for all staff and to positive action where this is deemed necessary to encourage and ensure a diversity of staff.
- to take positive action in education to address widening participation and under-representation as appropriate.
- protect the human rights of all staff, students, associated persons, and visitors.
- deliver a range of services that is reflective of the cultural diversity and diversity of values and beliefs within the community and the county.
- provide fit-for-purpose facilities for all students and staff and to meet the specific needs and ensure access for a diversity of staff and students across the ten identified groups for the Duty, including reasonable accommodation of disabled people.
- promote digital inclusion to address opportunity, access, knowledge and skill in relation to using technology.
- make reasonable accommodation available for disabled staff and students and meet the specific needs of staff and students from the other identified groups.
- provide information about our services in a range of formats/media.
- collaborate with all sections of the community and develop strategic partnerships.

- promote and provide an inclusive and equal learning and work environment.
- commit to exploring and providing effective structures and processes to hear the voice of staff and students from the identified groups in developing plans and policies in relation to our practice on EDI.
- ensure learning and work environments are free from harassment and sexual harassment.
- commit to developing systems and processes to recognise and respond to the specific needs of the diversity of staff and students from the ten identified groups for the Duty to ensure accessibility and participation, including reasonable accommodation of disabled people.
- ensure compliance with legislation and adherence to standards of best practice and eliminate unlawful individual and institutional discrimination.
- respond promptly to complaints and identified concerns.

Staff will undertake training in the requirements of the Public Sector Equality & Human Rights Duty and Equality and Diversity legislation and the implications for education and employment. This will include equality and diversity awareness and how to monitor, report and feed into continuous quality improvement on equality and diversity issues.

03

Key Principles

3. Key Principles

Donegal ETBs Equality, Diversity and Inclusion Policy is underpinned by the following key principles:

- All members of Donegal ETB are expected to treat others with dignity and respect, in line with the relevant Donegal ETB policies.
- Donegal ETB will fully comply with the Equal Status Acts 2000-2015, which prohibit individual and institutional discrimination in access to and provision of services, including education.
- Donegal ETB will fully comply with the Employment Equality Acts 1998 - 2015, which prohibit individual and institutional discrimination, in all areas of employment, including access to employment.
- Donegal ETB will identify opportunities for positive action to ensure equality of participation for under-represented groups in Donegal ETB activities.
- Donegal ETB will commit to supporting and promoting diversity of languages and cultures with special regard to the preservation, promotion, and use of the Irish language, and to recognise the status of the Irish language as the first official language and the English language as a second official language of the State.
- Donegal ETB will support the preservation and promotion of the distinctive cultures of Ireland.
- Donegal ETB will provide inclusive access to services and information to people with disabilities and promote the employment of people with disabilities in accordance with the Disability Act 2005.
- Donegal ETB will further act to ensure due regard to equality and human rights in all our activities as required by Irish Human Rights and Equality Commission Act 2014.

Accordingly, Donegal ETB will act to prevent direct and indirect individual and institutional discrimination, sexual harassment, harassment, and victimisation on ten specific grounds as defined by the Equal Status Act and the Employment Equality Act:

- | | |
|----------------------|---|
| • Gender | • Disability |
| • Family status | • Religion |
| • Civil status | • Race |
| • Sexual orientation | • Membership of the Traveller community |
| • Age | • Socio economic status |

04

Scope and Application

4. Scope and Application

This Policy applies to equality, diversity and inclusion across FET, OSD and Schools in Donegal ETB.

Student applicants, registered students and alumni are included in this Policy, which relates to decisions made in respect of access, experience, provision of teaching and related support services, assessment, progression and certification.

All applicants for employment, all staff members (whether full-time, part-time, permanent, or temporary), and all those who work for or on behalf of Donegal ETB in any capacity are included by this Policy, which relates to decisions made in respect of recruitment and selection, career progression, learning and development and terms and conditions of employment.

The Policy also applies to all Donegal ETB visitors, customers, stakeholders, third-party service providers and contractors, and relates to the services we provide while carrying out our activities, whether internally or externally.

05

Implementation

5. Implementation

Supporting, communicating and implementing this policy will ensure that equality of opportunity, experience and outcome for all is respected in the organisation.

In delivering this Policy, the key operational priorities are:

- building equality and respect for human rights into all strategic and operational plans, in line with the Address step of the Duty, at ETB, Centre, Programme and Office levels
- integrating non-discrimination (individual or institutional), equality and diversity in all areas of policy development relating to employment, education, and training in line with the Address step of the Duty.
- making training available to all staff on non-discrimination, dignity at work and equality and diversity issues as part of wider programmes from induction, recruitment, and selection through to management, development and leadership.
- encouraging gender balance and diversity across the other identified groups on all Working Groups and Committees as well as awareness of the principles of equality and non-discrimination on all ten grounds
- striving to ensure diversity and achieve full equality in practice in the workplace and among students.
- commit to the use of language and imagery that engages our equality and human rights values and to communication that engages these values so that they get prioritised and are a driving force within the culture of Donegal ETB.
- creating and sustaining a work and learning environment that enables and encourages staff and students from the ten identified groups for the Duty to be their true selves in these spaces.
- striving to ensure diversity and achieve full equality in practice in the workplace and among learners.
- linking equality in employment and how we deliver equality in education and training, recognising that how we treat our staff influences how our education and training activity is experienced and seen by others.
- implementing systems and processes which recognise and respond to the specific needs of the diversity of staff and students from the ten identified groups for the Duty to ensure accessibility and participation, including reasonable accommodation of disabled people.
- creating structures that enable and support the capture of staff and student voice and structures from the ten identified groups for the Duty.

- engaging with the diversity of our staff and students and taking account of the different experiences of people in our policy development and implementation. Assessing through consultation, the effect of proposed policies on all staff and students, including those from the identified groups, as appropriate.
- the effective communication of the policy and its associated procedures.
- providing effective and trusted grievance and complaints procedures for staff, students and the public who are concerned about people breaching this policy and other relevant policies.
- gathering equality data and focusing on results by including equality and diversity key performance indicators in our quality assurance processes, monitoring and reviewing performance, publicly reporting on achievements and taking action where needed.

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06

Responsibility

6. Responsibility

All staff, students and other stakeholders are responsible for supporting and implementing this policy in all areas of their work and learning in all aspects of the teaching and learning environment.

It is the responsibility of all Donegal ETB staff and students to ensure that there is no discrimination (individual or institutional) against students or staff, in the access to and processes of education and employment.

All staff, students and other stakeholders must accept their personal responsibility to comply with this policy. This includes always maintaining acceptable standards of behaviour towards all colleagues, peer groups, customers, service providers and contractors alike.

Donegal Education and Training Board (and any relevant committees) are responsible for recommending and approving the overall Equality, Diversity and Inclusion Policy by:

- ensuring the Equality, Diversity and Inclusion Policy is reviewed and updated in line with agreed timeframes.
- ensuring that human rights and equality considerations are central to the work of the Board and its committees as proposals are considered and agreed.

Donegal ETB is responsible for:

- ensuring an overall service that embeds a culture that ensures equality for all as outlined in the Employment Equality Acts 1998–2015, Equal Status Acts 2000–2018 and the public sector equality and human rights duty (the Duty).
- taking steps to identify and eliminate individual and institutional discrimination and to prevent it from happening to promote equality of opportunity for all its staff and students.
- championing the equality and diversity agenda to ensure the policy is developed and implemented.
- promoting a culture of respect for human rights, equality, and diversity in the development of Donegal ETB's vision and strategy
- agreeing on the resources needed to achieve the objectives as identified in this policy at the highest levels.
- providing senior-level communication on the Equality, Diversity and Inclusion Policy and activities within and outside the ETB.
- ensuring policies reflect and document Donegal ETB's commitment to equality and diversity and that legislative requirements are met.
- reviewing staff and student engagement and participation to check if the community of staff and students is reflective of the community that Donegal ETB serves and responds appropriately to identified needs.

- provide appropriate training programmes and professional development to cover compliance and good practice in eliminating discrimination, harassment and sexual harassment, recognising and adapting for diversity and specific needs, and taking action for equality of opportunity, experience and outcomes, and implementation of the Duty, including understanding of Donegal ETB policies that support this.

Managers are responsible for:

- putting the policy and strategy into practice on a day-to-day basis
- being aware of their responsibility under employment and equality legislation and implementing this policy regarding members of staff and students under their management.
- ensuring that all staff are cognisant of their responsibilities with regard to respect for human rights, equality and diversity in line with this Policy, providing support and direction when needed.
- creating and sustaining a work environment and a learning environment that enables and encourages staff and students from the ten identified groups for the Duty to be their true selves in these spaces.
- being alert to issues relating to bias, prejudice, stereotyping and discrimination and be aware of the procedures for reporting these.
- preventing and responding appropriately to incidents of harassment and sexual harassment and being aware of the procedures for reporting them.
- implementing systems and processes which recognise and respond to specific needs of the diversity of staff and students from the ten identified groups for the Duty to ensure accessibility and participation, including reasonable accommodation of disabled people.
- promote engagement with and ensure feedback from staff and students from the identified groups such that their voice is heard.
- dealing quickly, fairly, appropriately and effectively with concerns and complaints and referring where required.
- ensuring staff can engage with any training requirements.
- providing assistance and support to those who have experienced discrimination.
- Implementing the public sector equality and human rights duty (the Duty).

Human Resource Department is responsible for:

- establishing and maintaining mechanisms within the service to deal with complaints concerning equality, diversity or inclusion issues, including discrimination and harassment.
- creating an awareness of equal opportunity policies and practices through staff induction and training.
- providing assistance and support to those who have experienced discrimination.

- creating and sustaining a work environment and a learning environment that enables and encourages staff and students from the ten identified groups for the Duty to be their true selves in these spaces.
- implementing the public sector equality and human rights duty (the Duty).
- providing appropriate training programmes to support this policy.

Each member of staff is responsible for:

- accepting their personal responsibility to comply with this policy. This includes always maintaining acceptable standards of behaviour towards all colleagues, peer groups, customers, service providers and contractors alike.
- actively addressing equality and diversity issues in practical ways in their day-to-day work.
- complying with the Staff Code of Conduct
- making sure their own behaviour is appropriate in face-to-face and digital interactions.
- upholding a standard of behaviour which respects human rights and the principles of equality and diversity.
- providing an education, training or other public service which respects and takes account of the diverse needs and backgrounds of students, staff and members of the wider community.
- meeting any equality and diversity requirements agreed in their work plan or programme area plan.
- contributing towards Donegal ETB's overall performance on equality and diversity.
- attending all relevant equality and diversity training.

Staff tasked with capturing the student voice, including the voice of students across the ten identified groups for the Duty, through surveys, focus groups and meetings are responsible for ensuring that any feedback/incidents of prejudice, bias and discrimination are addressed immediately.

Students have a key role in ensuring an inclusive learning environment where every student has an equal opportunity to reach their full potential. Each student has a responsibility to:

- actively address equality and diversity issues in practical ways in their day-to-day lives.
- making sure their own behaviour is appropriate in face-to-face and digital interactions.
- upholding a standard of behaviour which respects human rights and the principles of equality and diversity.
- respecting and considering the diverse needs and backgrounds of other students and making efforts to be inclusive of all students.



07

Procedures

7. Procedures

7.1. Donegal ETB staff procedure for reporting unfair treatment under any of the grounds outlined in the Equal Status Act.

Procedure Name	Donegal ETB staff procedure for reporting unfair treatment under any of the grounds outlined in the Equal Status Act.
Version Number	Version 1
Policy Areas	Equality, Diversity and Inclusion Policy Employment Equality Act Grievance Procedure for Staff employed by Donegal Education and Training Board (2013). Harassment/Sexual Harassment Prevention Policy Donegal ETB and Training Board Dignity at Work Policy (2022)
Approved By	
Approval Date	
Effective Date	

Where a Donegal ETB staff member identifies that they have been unfairly treated under any of the grounds outlined in the Equal Status Acts (2000 to 2018), the Employment Equality Act or on grounds of Socio-Economic status, the following procedure applies:

Item No	Procedures and Processes	Responsibility
	Staff Procedure	
7.1.1	A staff member who believes s/he has been treated unjustly or unfairly is encouraged to raise his/her complaint with his/her line manager as a matter of first instance, or to raise his/her complaint through an informal approach by his/her union representative.	Staff member Line Manager
7.1.2	If a mutually acceptable solution cannot be agreed the line manager must refer the complaint to the Human Resources department.	Line Manager
7.1.3	The Human Resources department will initiate the relevant procedure (as identified above in policy areas) for Staff employed by Donegal Education and Training Board (2013).	Human Resources Department

7.2. Donegal ETB student procedure for reporting unfair treatment by a Donegal Member of staff under any of the grounds outlined in the Equal Status Act.

Procedure Name	Donegal ETB student procedure for reporting unfair treatment by a Donegal Member of staff under any of the grounds outlined in the Equal Status Act
Version Number	Version 1
Policy Areas	Equality, Diversity and Inclusion Policy Donegal ETB Complaints Procedure (2013)
Approved By	
Approval Date	
Effective Date	

Item No	Procedures and Processes	Responsibility
	Student (<i>or parent/guardian if the student is under 18 years of age</i>) procedure	
7.2.1	A student (<i>parent/guardian</i>) who believes s/he has been treated unjustly or unfairly is encouraged to make an appointment to discuss the matter with the staff member concerned with a view to resolving the complaint	Student (<i>parent/guardian</i>) Staff member
7.2.2	In circumstances where the parties having already engaged directly, cannot reach a successful resolution to the matter, the complainant has the right to refer the complaint to the Principal/Deputy Principal/Centre Manager.	Principal/Deputy Principal/Centre Manager.
7.2.3	The Principal/Deputy Principal/Centre Manager will initiate the Donegal ETB Complaints Procedure (2013)	Principal/Deputy Principal/Centre Manager.

7.3. Donegal ETB student procedure for reporting unfair treatment by another Donegal ETB student under any of the grounds outlined in the Equal Status Act.

Procedure Name	Donegal ETB student procedure for reporting unfair treatment by another Donegal ETB student under any of the grounds outlined in the Equal Status Act.
Version Number	Version 1
Policy Areas	Equality, Diversity and Inclusion Policy Student Disciplinary Policy (May 2023)
Approved By	
Approval Date	
Effective Date	

Item No	Procedures and Processes	Responsibility
	Student (<i>or parent/guardian if the student is under 18 years of age</i>) procedure	
7.3.1	A student (<i>parent/guardian</i>) who believes s/he has been treated unjustly or unfairly is encouraged to make an appointment to discuss the matter with a staff member concerned with a view to resolving the complaint	Student (<i>parent/guardian</i>) Staff member
7.3.2	In circumstances where the parties having already engaged directly, cannot reach a successful resolution to the matter, the complainant has the right to refer the complaint to the Principal/Deputy Principal/Centre Manager.	Principal/Deputy Principal/Centre Manager.
7.3.3	The FET Centre Manager will initiate the FET Student Disciplinary Policy (July 2022)	FET Centre Manager.
7.3.4	The Principal/Deputy Principal will initiate their Post Primary student disciplinary policy as relevant.	Principal/Deputy Principal

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08

Monitoring and Review

8. Monitoring and Review

Donegal ETB will update this document in accordance with guidelines and directives issued by QQI and other awarding bodies and legislation.

Responsibility	Frequency	Methods
QASS	Monitoring of the policy shall be carried out annually for the first year and every three years after that	Monitoring will be conducted with reference to data derived from quality monitoring, feedback from the various stakeholder groups and the outcomes of any complaint's procedures



09

Document Control

9. Document Control

Version Number	Approval date	Description of revision	Originator	Approved by
Policy				

Version Number	Approval date	Description of revision	Originator	Approved by
Procedure				

10

Appendices

10. Appendices

Appendix 1: Section 42, Irish Human Rights and Equality Commission Act 2014

- 1) A public body shall, in the performance of its functions, have regard to the need to—
 - a. eliminate discrimination,
 - b. promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
 - c. protect the human rights of its members, staff and the persons to whom it provides services.
- 2) For the purposes of giving effect to subsection (1), a public body shall, having regard to the functions and purpose of the body and to its size and the resources available to it—
 - a. set out in a manner that is accessible to the public in its strategic plan (howsoever described) an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body and the policies, plans and actions in place or proposed to be put in place to address those issues, and
 - b. report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described).
- 3) In assisting public bodies to perform their functions in a manner consistent with subsection (1), the Commission may give guidance to and encourage public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality.
- 4) Without prejudice to the generality of subsection (3), the Commission may— (a) issue guidelines, or (b) prepare codes of practice in accordance with section 31, in respect of the development by public bodies of performance measures, operational standards and written preventative strategies for the purpose of reducing discrimination and promoting human rights and equality in the public sector workplace and in the provision of services to the public.
- 5) Where the Commission considers that there is evidence of a failure by a public body to perform its functions in a manner consistent with subsection (1) and that it is appropriate in all the circumstances to do so, the Commission may invite the public body to— (a) carry out a review in relation to the performance by that body of its functions

having regard to subsection (1), or (b) prepare and implement an action plan in relation to the performance by that body of its functions having regard to subsection (1), or both.

- 6) A review or an action plan under subsection (5) may relate to— (a) equality of opportunity or human rights generally, or (b) a particular aspect of human rights or discrimination, in the public body concerned.
- 7) The Commission may, and, if requested by the Minister, shall, review the operation of subsection (1).
- 8) For the purposes of assisting it in carrying out a review under subsection (7), the Commission shall consult such persons or bodies as it considers appropriate.
- 9) Where the Commission carries out a review under subsection (7) it— (a) may, or (b) where the Minister has requested the review, shall, make a report of the review to the Minister and any such report shall include such recommendations as the Commission thinks appropriate.
- 10) The Commission shall cause a copy of the report to be laid before each House of the Oireachtas.
- 11) Nothing in this section shall of itself operate to confer a cause of action on any person against a public body in respect of the performance by it of its functions under subsection (1).

11

References

Reference Documents

1. HR policies on the [Donegal ETB website](#) which include but are not limited to:
 - a. Bullying Prevention Policy
 - b. Complaint Procedure
 - c. Disciplinary Procedures
 - d. Harassment /Sexual Harassment Prevention Policy
 - e. Protected Disclosures Policy
 - f. Staff Grievance Procedure
2. Donegal ETB [Further Education and Training policies](#) which include but are not limited to:
 - a. Student Disciplinary Policy
 - b. Reasonable Accommodation Procedure
3. Donegal ETB: Implementing the Public Sector Equality and Human Rights Duty
4. Disability Act 2005
5. Employment Equality Act, 1998
6. Equal Status Act 2000
7. Understanding legal definitions of discrimination and unlawful behaviour in the Equality Act Equality and Human Rights Commission
8. QQI Statutory Quality Assurance Guidelines (2016)
9. Irish Human Rights and Equality Commission Act 2014 (Section 42)
10. [Donegal ETB Strategy Statement 2022 - 2026](#)