



# **BARNSELY COLLEGE**

## **SINGLE EQUALITY SCHEME**

**2010 –2012**

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The Scheme is also available in a variety of formats including large print.

## Introduction

We believe that all those who form the community at Barnsley College (governors, staff, students, visitors and contractors) have a right to be valued equally and to have equality of opportunity.

We will promote shared values that include equality and diversity, valuing and involving our staff, showing care and respect for others and demonstrating honesty and fairness in everything we do. The delivery of and promotion of equal opportunities underpins the College's Vision and Development Plan.

*Barnsley College, as a public body, is subject to legislation to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations across the 7 equality strands: age, disability, gender, gender identity, race, religion or belief and sexual orientation.*

*We aim to go beyond legislation and actively promote equality and value diversity across all areas of our community.*

Colin Booth

## Section 1 – Key Principles

The purpose of this Single Equality Scheme is:

- To provide guidelines for good practice in all matters relating to the treatment of staff and learners and other members of the College community, and in the provision of, and access to, the facilities, benefits and services that the College provides
- To highlight current legislation on equality and tackle discrimination and to make all members of the community aware of their responsibilities under this legislation
- To develop and deliver a Single Equality Action Plan that ensures that the College is outstanding in all equalities matters
- To make members of the College community aware of equal opportunity issues including the issue of institutional discrimination and all other forms of discrimination
- To make all of the College Community aware of the scheme and our action to promote choice, opportunity and progression for all staff and learners
- To create an inclusive environment underpinned by fair and equitable practices and procedures in which all members of the community can feel valued and respected.
- To ensure adherence to relevant College procedures

## Section 2 - Vision, Values & Strategic Priorities

Barnsley College's vision is to be an outstanding tertiary college; equality and diversity is the foundation on which this vision will be realised and as such it will be embedded within the College values and strategic priorities.

**(See Appendix A.)**

## Section 3 - Developing the Scheme

We have consulted with College staff and learners to develop the race, gender and disability schemes, which underpin this initial single equality scheme.

We will consult more widely with staff, learners and stakeholders during 2010 to ensure participation and increase ownership.

The implementation of the Learner Voice & Influence Policy & Strategy will provide a framework to discuss equality and diversity issues with learners. We will seek their views on the Single Equality Action Plan to ensure that we are focusing on issues and developments that are relevant and of benefit to the learners. We will harness technology to ensure that we get feedback from as many learners as possible and to ensure that all have the opportunity to be heard.

We will continue to use a variety of methods to consult with staff including trade union representatives. We will ensure that staff are regularly updated and invited to

comment on the Single Equality Action Plan to ensure that it remains relevant and addresses the areas that cause concern to staff.

We will consult with the wider Barnsley community (employers, contractors and key stakeholders to ensure that all of our partners are aware of our commitments and expectations in relation to equality and diversity.

## Section 4 - Meeting our Duties

We will seek to ensure that Governors, staff, learners and stakeholders are aware of our Single Equality Scheme and the actions needed for its implementation and their own particular responsibilities in relation to the Single Equality Scheme.

**(See Appendix B.)**

## Section 5 – Equality Act 2010

This act came into operation 1<sup>st</sup> October 2010, with further public sector duties due to come into force in April 2011. The College Single Equality Scheme and Action Plan have been amended to reflect the current changes that affect the college staff, learners and others in the college community.

The Equality Act and its public sector duties covers all seven equality strands: age, disability, gender, gender identity, race, religion or belief, and sexual orientation.

The single public sector equality duty requires public bodies to:

- Eliminate discrimination, harassment and victimisation.
- Advance equality of opportunity.
- Foster good relations.

## Section 6 - Equality and Eliminating Discrimination

The college has Race, Gender and Disability Equality schemes as required by law. At Barnsley College, we are committed to embed our good practices across all equalities strands, including age, disability, gender, sexual orientation, gender identity, race and religion or belief. We will eliminate unlawful discrimination and break down institutional barriers before they can impact on people.

See **Appendix C** for full details of the College's specific commitments in relation to:

- Gender
- Race
- Disability
- Age
- Sexual Orientation
- Gender Identity
- Religion or Belief
- Pregnancy and maternity
- Marriage and Civil partnership

**Appendix K** provides information relating to legislation across all equality strands.

## **Section 7 - Harassment and Bullying**

We aim to foster an environment in which all members of the College community can work and study effectively. Harassment and bullying is not acceptable, even if it forms part of an isolated incident and the College will eliminate all forms of harassment and bullying should they become apparent.

See **Appendix D** for definitions and brief guidance.

## **Section 8 – Monitoring and Reporting Our Progress**

We will collect and analyse data to measure our progress towards the values set out in this Scheme.

Monitoring information will be distributed each term to members of the Equality & Diversity Operational Group and the Equality & Diversity Strategy Group for information and planning purposes.

**Appendix E** details the information we will collect, analyse and monitor.

## **Section 9 – Roles & Responsibilities**

The Principal and Vice Principal Students are responsible for leading on equality & diversity across the College however the whole College community has a duty and responsibility to abide by the key principles contained in this scheme.

See **Appendix F** for full details of roles & responsibilities across all activities.

## **Section 10 - Good Practice in Staffing Issues**

We will continue to ensure that all current and prospective staff are treated equitably, justly, fairly and without discrimination in their working lives by applying all equalities legislation to our Human Resources practices.

**Appendix G** details our specific commitments to staffing issues.

## **Section 11 - Training**

Both compulsory and non-compulsory equality and diversity training programmes will be provided to support the Single Equality Scheme. This will involve everyone throughout the College including Governors, learners, and all staff. Promoting equality and diversity will continue to form a part of induction for all new staff and learners. Training events for all will be publicised and monitored as part of the College's quality review of staff and learners development.

**(See Appendix H)**

## **Section 12 - Publicity and Awareness of the Single Equality Scheme**

The College will ensure that all staff, learners, contractors and suppliers are made aware of our Single Equality Scheme and Action Plan. Reference to the Scheme will be incorporated within staff and learner handbooks. The Scheme will be drawn to the attention of learners and staff at induction and new staff will be expected to subscribe to it at the time of appointment. The College will continuously develop its methods of publicising the Scheme to learners.

## **Section 13 - Positive Action to Promote Choice, Opportunity and Progression**

We will continue to ensure equality of access to the delivery of our programmes of learning. We will ensure that all members of the College community can learn, teach, train and succeed in a mutually supportive environment.

We will also continue to ensure equality of access to employment through the use of positive action where appropriate and within the scope of the Equality Act 2010.

See **Appendix I** for our specific commitments to promoting choice, opportunity and progression

## **Section 14 – Complaints relating to Equalities**

Staff and learners will be made aware of the complaints procedures. Copies of the Single Equality Scheme and Complaints Procedure will be made available around the College (in Receptions, LRCs, Offices and on the College website) and to any member of the College community on request.

**(See Appendix J)**

## **Section 15 - What happens if the Single Equality Scheme is not adhered to?**

Barnsley College will not tolerate behaviour\* which breaches its Single Equality Scheme and will initiate action, which may be of a disciplinary nature if circumstances warrant, against those who contravene them. Where appropriate such action will be backed up by support and training.

\*Acts of wilful, unfair and unjustified discrimination, victimisation, harassment or bullying against members of the College community.

\*Acts of discrimination, harassment, victimisation or bullying by contractors, visitors to the College or members of the public.

## **Section 16: Consultation and communication**

As part of the development of the scheme it is our intention to consult with all of our stakeholders (for example):

- Students
- Parents
- Staff
- Governors
- Employers

We have in place a Communication strategy to ensure that all of our stakeholders are informed of events, developments and initiatives as they arise.

## Appendix A – Vision, Values & Strategic Priorities

### **Our Vision - To be an outstanding tertiary college.**

To achieve this we will provide:

- An inclusive learning environment for all young people from Barnsley and the surrounding area
- Courses that will improve life chances and employment opportunities for our adult learners
- Training and services to meet the needs of businesses from South Yorkshire and beyond
- Excellent customer service and ethos which ensures the College is an accessible community resource.

### **Our Values**

- Always putting the needs of learners first
- Consistently delivering excellent teaching and learning
- Promoting and celebrating diversity
- Valuing and involving our staff
- Providing outstanding buildings and resources
- Embracing change and innovation
- Showing care and respect for others
- Demonstrating honesty and fairness in everything we do

### **Our Strategic Priorities**

The College will:

- Become an outstanding tertiary College
- Create an outstanding 6<sup>th</sup> Form College
- Re-brand the College and the 6<sup>th</sup> Form College
- Quickly grow sustainable Employer Services
- Develop outstanding partnerships
- Develop highly flexible and highly skilled staff to deliver outstanding 21<sup>st</sup> Century teaching and learning
- Deliver world class buildings
- Deliver surpluses alongside financial growth

## Appendix B – Meeting our Duties

- Staff, learners, contractors, suppliers and stakeholders are aware of the value placed upon equal opportunity and that action will be taken in the event of any breach of the Scheme
- Governors and staff have access to relevant and appropriate information which assists them to plan, implement and monitor actions to carry out their responsibilities under the Scheme
- The College's publicity materials present appropriate and positive messages about age, disability, gender identity, gender, race, religion or belief, sexual orientation and cultural diversity.
- Schemes of work, lesson content and teaching resources demonstrate sensitivity and positive promotion to issues of age, disability, gender identity, gender, race, religion or belief, sexual orientation and cultural diversity.
- All learners can access appropriate support and facilities
- Applicants for employment are drawn from a wide pool with positive action to encourage applications from under-represented groups
- Recruitment and promotion procedures are designed and implemented to eliminate unlawful discrimination
- Staff development schemes are designed to meet the particular needs and enhance the skills of individuals of all under-represented groups

## Appendix C – Our Equalities Commitments

### Gender Equality Commitments

We are committed to:

- Eliminating unlawful discrimination, harassment and victimisation on the grounds of gender
- Advancing equality of opportunity and fostering good relations between men and women
- Publishing a gender equality scheme, showing how the College will meet its general and specific duties and setting out its gender equality objectives
- Address the causes of any gender pay gap
- Gathering and using information on how the College's policies and practices affect gender equality in the workforce and in the delivery of services to students and staff
- Consulting with stakeholders and taking account of relevant information in order to determine gender equality objectives
- Assessing the impact of current and proposed policies and practices on gender equalities
- Implementing the actions set out in the Scheme within three years
- Reporting against the Scheme every year and review the Scheme at least every three years

### Race Equality Commitments

We are committed to:

- Eliminating unlawful racial discrimination, harassment and victimisation
- Advancing equality of opportunity
- Foster good relations between persons of different racial groups
- Preparing a written statement of policy for promoting race equality
- Putting in place arrangements for implementing this Scheme, publicising its contents and the results of its monitoring and effectiveness
- Assessing the impact of its policies on learners and staff of different racial groups

## **Disability Equality Commitments**

The College has adopted the social model of disability, which promotes the right of a disabled person to belong, to be valued, to choose and to make decisions. In adopting this model we accept that we will have to strive to remove disabling barriers created by attitudes, systems and practices that prevent participation by disabled persons.

We are committed to:

- Advancing equality of opportunity for disabled people.
- Fostering good relations
- Eliminating discrimination that is unlawful under the Equality Act 2010.
- Eliminating discrimination harassment and victimisation of disabled persons that is related to their disability
- Promoting positive attitudes towards disabled persons
- Encouraging participation by disabled persons in public life
- Taking steps to take account for disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons
- Preparing and publishing a Disability Equality Scheme, showing how the College will meet its general and specific duties and set out its disability equality objectives
- Gathering and using information on how the College's policies and practices affect the educational opportunities available to, and on the achievements of, disabled learners and staff.

## **Age Equality Commitments**

We are committed to:

- Advancing equality of opportunity for people of all ages.
- Fostering good relations
- Eliminating discrimination that is unlawful under the Equality Act 2010.
- Eliminating discrimination harassment and victimisation related to age
- Creating a working environment underpinned by fair and equitable practices and procedures in which all members of the community can feel comfortable

- Actively tackling age discrimination whether overt, covert or by omission
- Eliminating any criterion, provision or practice that disadvantages people of a particular age, unless it can be objectively justified

### **Sexual Orientation Equality Commitments**

We are committed to:

- Advancing equality of opportunity for people of sexual orientations.
- Fostering good relations
- Eliminating discrimination that is unlawful under the Equality Act 2010.
- Eliminating discrimination harassment and victimisation related to sexual orientation
- Embedding sexual orientation equality within our comprehensive Single Equality Action Plan
- Working with other institutions, local communities and others to eliminate discrimination based on a person's sexual orientation and to encourage and promote good practice

### **Gender Identity Equality Commitments**

We are committed to:

- Advancing equality of opportunity for transgendered people.
- Fostering good relations
- Eliminating discrimination that is unlawful under the Equality Act 2010.
- Embedding systemic action to eliminate discrimination harassment and victimisation related to gender identity
- Promoting gender identity equality widely and consistently alongside other equality strands
- Embedding gender equality within our comprehensive Single Equality Action Plan
- Working with other institutions, local communities and others to tackle gender discrimination and to encourage and promote good practice

## **Faith Religion or Belief Equality Commitments**

We are committed to:

- Advancing equality of opportunity for people of different religions or beliefs.
- Fostering good relations
- Eliminating discrimination that is unlawful under the Equality Act 2010.

Eliminate discrimination harassment and victimisation related to religion or belief.

- Actively tackling discrimination regarding religion or belief, whether overt, covert or by omission and promoting equality
- Eliminating religious harassment (unwanted behaviour based on religion and which includes proselytising i.e. seeking to convert others to a particular religion or sect)
- Working with other institutions, local communities and others to tackle discrimination regarding religion or belief and to encourage and promote good practice
- Carrying out impact assessments on all our policies, procedures and processes relating to staff and staff recruitment with regards to equality and religion or belief
- Embedding Belief equality within our comprehensive Single Equality Action Plan

## Appendix D – Harassment, Discrimination & Bullying

### Harassment.

The Equality Act 2010 states that there are 3 types of harassment that is unlawful

- Harassment related to a relevant protected characteristic
- Sexual harassment
- Less favourable treatment of a person because they submit to or reject sexual harassment or harassment related to sex.

Harassment occurs when a person is subjected to unwanted behaviour which is related to one or more of the protected characteristics which has either the purpose or the effect of:

- Violating a person's dignity
- Creating an intimidating, hostile, degrading or offensive environment,
- And the behaviour is unwanted, unwelcome or uninvited.

A person does not have to say they object to the behaviour for it to be unwanted. Behaviour associated with harassment can take many forms and is defined as unwelcome, physical, verbal or non verbal conduct. (See table A below for examples)

### **Harassment related to a protected characteristic**

Harassment related to a relevant protected characteristic means harassment based on: Age, disability, gender, gender identity, sexual orientation, race, and religion or belief.

Related to, means and includes situations where a person who is subjected to the unwanted behaviour does not share the protected characteristic themselves, but there is a connection between the behaviour and the protected characteristic.

For example:

A learner could complain of harassment, in a classroom setting, because a member of staff comments that 'all men are useless' Even if the comments were not directed at that learner.

**Sexual Harassment** occurs when a person is subjected to unwanted behaviour which is of a sexual nature, and 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.

It is also unlawful to treat a person less favourably because they either submit to or reject sexual harassment or harassment related to their sex.

See table A for examples of unwanted behaviour of a sexual nature.

Table A

Behaviour	Example	Sexual nature
Including to but not limited to:		
Physical	Assault, pushing, standing too closely, intimidating stance, threats of violence.	Inappropriate touching, sexual assault, coercion of sexual acts.
Verbal	Shouting, emails, phone conversation, text message, comments, jokes.	Sexual jokes, emails, comments.
Non verbal	Hostility, tonality of voice, display of offensive pictures and photographs.	Pornographic photographs or drawings,

All members of the College community, staff and learners alike, by their own behaviour and their response to others, are legally responsible for helping to ensure that individuals do not suffer any other form of harassment and that they are encouraged and supported in making complaints. Any difficulty in deciding what constitutes harassment should not deter anyone from complaining of behaviour that they find offensive or distressing. The College will, however, take wilfully false allegations very seriously and may take disciplinary action as a result.

The equality act states that it is not necessary for a person to immediately say that the behaviour that they object to is unwanted for the behaviour to be construed as harassment.

Some behaviour that causes offence or distress, may be conscious or deliberate, or may arise from thoughtlessness or insensitivity. In either case, the person causing harassment should be given a clear signal that his or her behaviour is unacceptable. This may be done directly or through a suitable third party. No one should be deterred from complaining of behaviour, which distresses him or her, by embarrassment, intimidation or fear of publicity. The need for confidentiality will be respected wherever possible.

**Bullying** is unjustified and inappropriate behaviour, which is threatening or humiliating.

**Discrimination** is any action, which deprives an individual of rights or opportunities. It may be either direct or indirect, by association, or by perception.

### **Direct discrimination**

Direct discrimination occurs when you treat a person less favourably than you treat (or would treat) another person because of a protected characteristic and this is done deliberately or unjustifiably.

## **Discrimination based on association**

Direct discrimination also occurs when you treat a student less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

This might occur when you treat a student less favourably because their sibling, parent, carer or friend has a protected characteristic.

## **Discrimination based on perception**

Direct discrimination also occurs when you treat a student less favourably because you mistakenly think that they have a protected characteristic (other than pregnancy and maternity).

**Discrimination because of pregnancy and maternity** - It is discrimination to treat a woman less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger. It is direct sex discrimination to treat a woman less favourably because she is breastfeeding a child who is more than 26 weeks old.

**Discrimination arising from disability** - Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified, **and** failing to make reasonable adjustments for disabled people.

## **Dual Discrimination – (April 2011)**

This makes it unlawful, discrimination on the basis of two protected characteristics for example someone claims discrimination because they are a Black Woman rather than just because of their race or gender.

## **Indirect discrimination**

Indirect discrimination occurs when you apply an unjustifiable provision, criteria or practice in the same way for all people or a particular group of people, but this has the effect of those people who share a protected characteristic within the general group, being subject to a particular disadvantage. It doesn't matter that you did not intend to cause a disadvantage with a particular protected characteristic. What does matter is whether your action does or would disadvantage people compared with people who do not share that characteristic.

'Disadvantage' within the College could mean denial of an opportunity or choice, deterrence, rejection or exclusion.

Indirect pregnancy and maternity discrimination are not covered under the equality act, although it could be included in the definition of direct sex discrimination.

**Institutional Discrimination** is the collective failure of an organisation to provide an appropriate and professional service to people because of their protected characteristics.

## Appendix E - Monitoring Our Progress

To inform the setting of targets and the measurement of our progress in achieving them, we will collect as a basic minimum and analyse the following information in terms of age, gender, disability and ethnic minority:

### **For learners:**

- Gender, disability and ethnic profiles of learners
- Applications and success rates for admission to programmes by ethnic minority, gender and disability
- Retention rates across all groups
- Achievement rates of all groups
- Work placements including success rates, satisfaction levels and job offers
- Disciplinary action relating to all groups
- Complaints by students or their sponsors
- Learner Voice surveys
- Assessment appeals

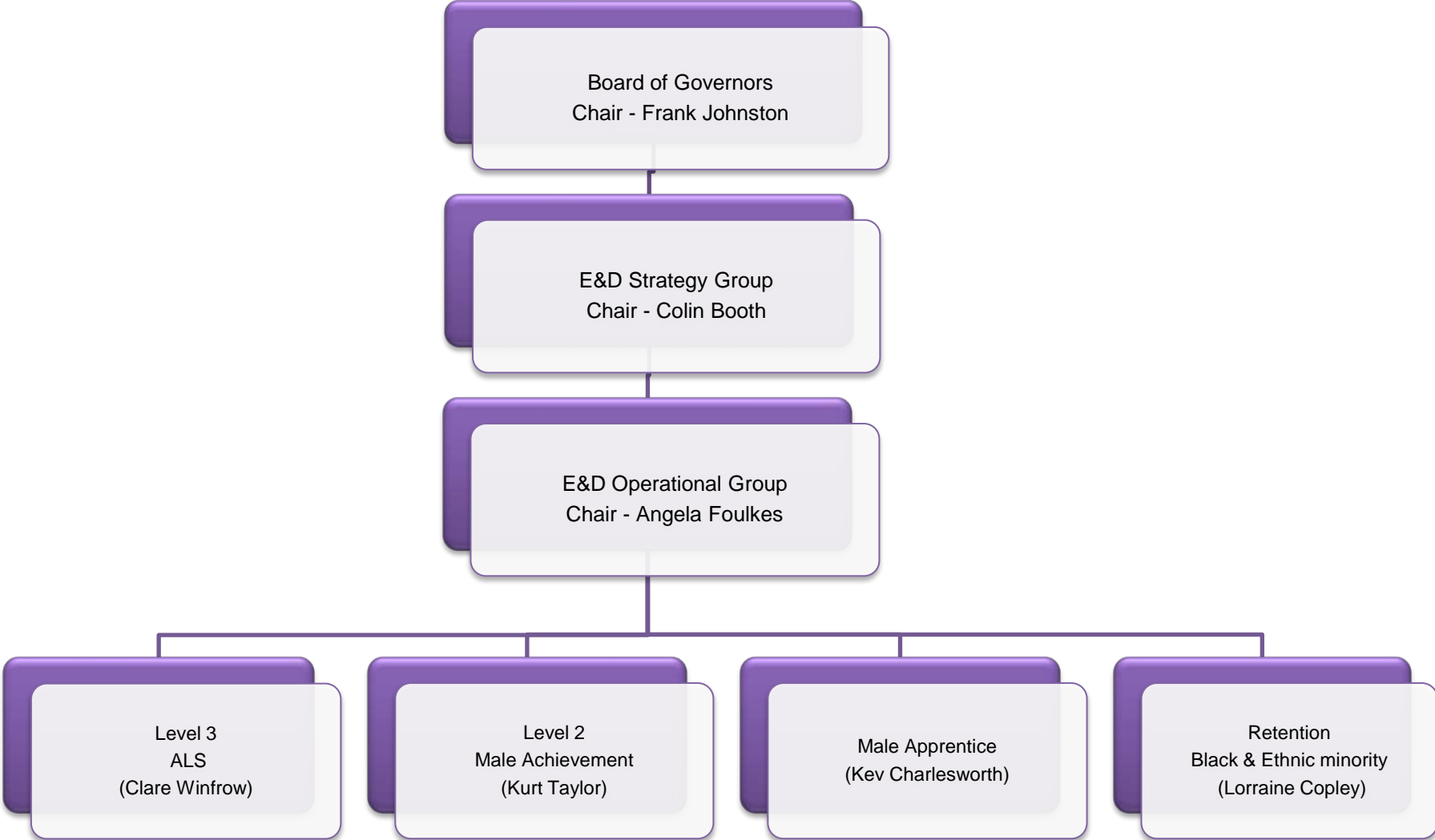
### **For staff:**

- Disability, gender ethnic profiles of staff in post by grade and type of work
- Applications for employment, appointments, training and promotion
- Selection success rates
- Type of contract (permanent, temporary)
- Training application and take up rates
- Promotion
- Disciplinary proceedings
- The number of staff who benefit or suffer detriment as a result of performance assessment procedures e.g. including appraisal, capability proceedings
- Grievances
- Satisfaction surveys
- The number of staff who cease employment

### **The Equality & Diversity Operational Group will use the information to:**

- Decide whether there are differences in the way racial groups are treated
- Investigate the underlying reasons for the differences
- Ascertain whether there are differences in the way disabled people and other people are treated
- Identify areas where specific action must be taken
- Ascertain whether there are differences in the way men and women are treated
- Instigate an investigation into the underlying reasons for the differences
- Highlight any unfairness, disadvantage or possible discrimination and take any recommendations to the Equality & Diversity Strategy Group
- Identify areas where specific action must be taken
- Develop the Single Equality Scheme Action Plan
- Compare College data to local and national statistics in order to identify success and areas for improvement

Reporting



## Appendix F - Roles & Responsibilities

### **The Governing Body is responsible for:**

- Making sure the institution complies with the Single Equality Scheme and meets all its duties, including the general duty and the specific duties
- Making sure the Single Equality Scheme and its procedures are followed

### **The Senior Management Team is responsible for:**

- Giving a consistent and high profile lead on all equality and diversity issues
- Promoting equality and diversity inside and outside the institution
- Making sure the Single Equality Scheme and its procedures are followed

### **The Vice Principal Students is responsible for:**

- Co-ordinating work on equality and diversity
- Making sure that each department identifies a member of staff to be responsible for co-ordinating their equality and diversity work
- Publishing the monitoring information and annual report
- Reviewing the Single Equality Scheme and Action Plan as appropriate

### **The Vice Principal MIS & IT and Head of HR are responsible for:**

- Supplying accurate data and monitoring information prior to meetings and report deadlines.

### **The Head of Student Services & Support is responsible for:**

- Co-ordinating the activities of the Equalities Task Groups
- Monitoring and reviewing the Single Equality Action Plan
- Leading on equality and diversity through Learner Voice
- Organising staff training
- Supporting all departments to develop Equality & Diversity Action Plans that lead to outstanding activities
- Developing a whole College approach to equality and diversity
- Ensuring that College is up to date with all legal and ethical aspects of equality and diversity.

### **Managers are responsible for:**

- Putting the Scheme and its strategies and procedures into practice
- Making sure that all staff know their responsibilities, and receive support and training in carrying these out
- Following the relevant procedures and investigating staff or learners who may be discriminating unlawfully for reasons of race, colour, nationality, or ethnic or national origins

### **All staff are responsible for:**

- Dealing with equality and diversity incidents, and being able to recognise and tackle bias and stereotyping

- Promoting equal opportunities and avoiding unlawfully discriminating against anyone
- Taking up training and learning opportunities as advised

**All contractors and service providers are responsible for:**

- Being aware of our Single Equality Scheme
- Following the Single Equality Scheme and any equality conditions in contracts or agreements

## Appendix G – Staffing

We will:

- Operate a recruitment process that is based on equality or opportunity for all
- Advertise all vacancies in the appropriate medium as determined by HR and having regard to the staff profile and its imbalances in terms of age, disability, gender and ethnicity
- Ensure a consistent approach on the interpretation of staff documentation (e.g. contracts of employment) and implementation of policies and procedures across the College
- Monitor and review, through our quality assurance processes, that equal opportunities during employment are adhered to
- Treat all staff with dignity and respect, valuing the contribution of each member of staff
- Monitor the composition of staff and job applicants across the College and in each department/service by gender, ethnic origin, age and disability and address identified imbalances and under representation
- Ensure there is no direct or indirect discrimination in all aspects of the employment relationship including recruitment, pay, working conditions, training, promotion, dismissal, references and pensions

## Appendix H - Training

The Head of Student Services is responsible for ensuring that a comprehensive, inclusive and accessible staff development programme is in place at all times to support:

- Knowledge and understanding of the principles of the policy
- Good practice in relation to applying the policy in all areas of the College's work
- Embedding the policy into all Curriculum and Service departments
- Developing the curriculum to ensure inclusivity and positive promotions of race relations

## Appendix I - Our commitment to promoting choice, opportunity and progression.

We will:

- Operate an Admissions Scheme, which is based on the ability to succeed and does not involve unduly restrictive conditions or requirements
- Review the information that we provide about our programmes to ensure that it is clear and easily understood by all potential learners and contains relevant facts
- Seek to make staff more aware of the cultural assumptions, stereotypes and biases which may exist within curriculum materials and assessment methods, and encourage and support them in developing curriculum materials which reflect a wider range of experience and culture
- Monitor the composition of the learner body in each College Sector by gender, ethnic origin, age and disability and address identified imbalance and under representation
- Monitor the achievement of learners by gender, ethnic origin, age and disability and seek to address identified imbalances
- Ensure, through our quality assurance policies, that equal opportunities issues are addressed in the design and delivery of learning programmes
- Review our portfolio of programmes to ensure that the range of opportunities provided reflects the needs of all sections of the community
- Reserve the right to refuse admission to our premises or any of our courses on the grounds of security, safety or breach of the Single Equality Scheme.

## Appendix J - Complaints

All incidents and complaints of an equal opportunities nature, however informal, should be logged with the Head of Quality and Standards, anonymously if necessary, showing the nature of the complaint and any outcome. Such a record should be kept even if the individuals concerned did not “wish to make the matter formal”. The College’s Equality and Diversity Strategic Committee will monitor all complaints on a regular basis.

For those who wish to make a formal complaint, full details of how to do this can be found in the College’s Complaints Procedure, which is available on the College’s Intranet and at Receptions and within Offices.

## Appendix K – Legislation

### The Equality Act 2010

The Equality Act updates, simplifies and strengthens the previous equality legislation. (Appendix L) It covers employment, facilities, goods, services and education, including the admission and treatment of learners.

The act makes it unlawful for to discriminate against people based on 9 protected characteristics

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

#### Age

The act defines age by reference to a person's age group. An age group can mean

- People of the same age or a range of ages.
- Be wide such as 'people under 25'
- Be narrow such as people born in 1976.
- Be relative such as 'a person older than me' or 'younger than me'
- Be linked to an actual or assumed physical appearance

#### Disability

A person is a disabled person under the act if they have 'a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.'

There is no need for the person to have a medically diagnosed cause for their impairment what matter is the impairment and not the cause.

Colleges have a duty to make reasonable adjustments for people with disabilities, and cannot unlawfully discriminate, harass or victimise you because of your disability.

#### Gender reassignment

Gender reassignment is defined as a personal rather than a medical process which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

A person will be protected because of gender reassignment where they

- Make their intention know to someone

- Propose to undergo gender reassignment surgery (even if it is not completed)
- On starting gender reassignment surgery
- Start or continue to dress behave or live according to their gender identity
- Undergo any treatment related to gender reassignment
- They receive gender recognition under the gender recognition act 2004.

### **Marriage and Civil Partnership**

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated no less favourably than married couples.

All employees are protected are protected against discrimination on the basis of marriage or civil partnership.

However, being married or in a civil partnership is not a protected characteristic for further education colleges.

### **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### **Race**

The act defines race a persons

- Colour and/or
- Nationality
- Ethnic or national origin
- Racial group – a group of people that share a colour nationality or ethnic or national origin.

### **Religion or belief**

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. For a religion to be protected it must have a clear structure and belief system.

Belief means any religious or philosophical belief and includes lack of belief.

For a belief to be protected under the equality act:

- It must be genuinely held
- It must be a belief and not an opinion or viewpoint based on the information available at the moment.
- It must be a belief as to a weighty and substantial aspect of human life and behaviour.
- It must attain a certain level of cogency seriousness cohesion and importance
- It must be worthy in a democratic society

- It must be compatible with human dignity and not conflict with the fundamental rights or others.

### **Sex**

Unlawful sex discrimination happens when someone is treated unfairly because of their gender. Women, men and transsexual people can all experience sex discrimination.

Sex discrimination also includes treating someone less favourably because they are married or in a civil partnership: for example, by not hiring married women.

### **Sexual Orientation**

The law protects people from discrimination on the grounds of sexual orientations towards people of the same sex, people of the opposite-sex, or people of both sexes. This means they protect lesbian women, gay men, bisexual people and heterosexual people in employment, services, and education.

### **Positive action provisions**

Learners with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions which enable education providers to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular student group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) education providers to take proportionate action to remedy the disadvantage faced by particular groups of learners. Such action could include targeted provision or resources or putting in place additional or bespoke provision to benefit a particular disadvantaged student group.

It is never unlawful to treat disabled students (or applicants) more favourably than non-disabled students (or applicants).

Employers are allowed by law to take positive action to help redress any imbalances that may have arisen in the workplace as a result of past discrimination or disadvantage. The aim of positive action is to ensure that people from previously excluded groups have the opportunity to compete on equal terms with other applicants.

### **Special Educational Needs and Disability Act 2001**

This Act came into force in September 2002. The Act states that it is unlawful to discriminate against disabled learners by treating them less favourably than others by failing to make reasonable adjustments. The law applies to the whole range of learner services.

Learners who feel that they have been unfairly treated can take their case to court. If colleges are found liable they will incur heavy financial costs. The Governing Body is responsible for meeting the requirements of the Act.

### **Other British and European Legislation and Directive**

Legislation and case law in the area of Equality of Opportunity is constantly changing.

Other key documents include:

- The Working Time Directive
- The Employment Rights Act 1999
- Health & Safety at Work Act
- The EEC Equal Treatment Directive
- The EU Social Chapter
- Part Time Workers Directive
- Protection from Harassment Act 1997
- Public Interest Disclosure Act 1998
- Human Rights Act 1998