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Equality and Diversity Policy / Plan



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Equality and Diversity Policy



INVESTORS IN PEOPLE

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EQUALITY AND DIVERSITY POLICY

1. Introduction

As a Catholic College, Carmel is built on Christian principles and values. Mutual respect is seen as essential in a community where students are encouraged to recognise their responsibilities to self and others, and to the society in which they live. We were pleased that OFSTED during their last inspection recognised the way we continually strive to reconcile our ethos with good equality and diversity practice. OFSTED commented. The college's Christian environment values and respects the wholeness of the individual, and supports all learners in achieving beyond their potential.

2. Aims and purpose of this policy

2.1 The College seeks to ensure equality of opportunity and treatment for all persons in relation to all of its activities, such as the employment of staff, engagement with volunteers, consultants and contractors, the provision of educational opportunities, and the provision of training and other services to individuals and organisations.

2.2 The College recognises the existence of institutionalised discrimination, including institutional racism and is committed to making changes in any area of College practice where there is evidence of failure to provide an appropriate and professional service. It is committed to closing equality gaps in relation to student and trainee outcomes.

2.3 The College will work actively towards eliminating discrimination, harassment and bullying because of gender, gender identity, marital or civil partnership status, family responsibility, pregnancy, maternity and paternity,

ethnicity, race, colour, nationality, class, HIV status, age, religion or belief, disability, or sexual orientation, unrelated criminal convictions, trade union activity or any other irrelevant criteria.

2.4 This Policy should be read in conjunction with the College procedures on Bullying and harassment /Dignity at Work Policy, which provides detailed guidance on how staff should support themselves and students complaining of harassment.

In the event that staff or students are alleged to be in breach of the College Equality and Diversity Policy an investigation will be carried out in accordance with agreed procedures, including where appropriate, disciplinary procedures.

2.5 The College operates within a set of agreed Equality and Diversity definitions, which can be found in Section 8.

2.6 The College will work actively to make progress in five key areas:

2.6.1 Discrimination

Eliminating any discrimination in relation to staff recruitment and promotion, the purchase of goods and services, and in the content, delivery and management of the curriculum.

2.6.2 Harassment

Ensuring that all students, staff and visitors can go about their business in an atmosphere free of intimidation or abuse.

2.6.3 Widening Participation

Encouraging maximum access to the full range of courses and other educational services for people of all social backgrounds and cultures. This includes monitoring patterns of recruitment to courses and working to ensure that course recruitment is based solely on student needs and aptitudes.

2.6.4 Inclusive Learning

Providing support to enable individual learners of different needs to progress through the curriculum towards successful achievement.

2.6.5 Celebrating Diversity

Recognising and reflecting the positive contributions of men and women of different social backgrounds, cultures, religions, abilities, ages and sexual orientation.

2.7 The College will actively promote staff training and development in Equality and Diversity for all employees.

2.8 The College will monitor and review the curriculum, and the learning resources used to deliver the curriculum, to ensure that they reflect and promote equality and diversity.

2.9 The College will develop partnerships with organisations and groups in Carmel and beyond to help develop equality and diversity and positive action projects for the benefit of the wider community.

2.10 The College will ensure that marketing strategies reflect Equality and Diversity good practice, and that College provision is actively and appropriately promoted to all sections of the community.

2.11 The College will review the effectiveness of procedures, such as the Dignity at Work Policy, designed to enable students, staff or clients to raise issues of concern about equality and diversity, and to make complaints about discrimination, harassment or bullying.

2.12 The College will ensure that its Equality and Diversity Policy is publicised as widely as possible to its community, including students, staff, contractors, consultants, clients and members of partner organisations.

In pursuing progress in these five key areas, the College is fully committed to paying due regard to the general equality duty in the Equality Act 2010. We will therefore ensure that all our policies, procedures and practices have due regard to the need to:

- *Eliminate unlawful discrimination, harassment and victimisation*
- *Advance equality of opportunity between different groups*
- *Foster good relations between different groups*

3.0 Annual Equality & Diversity plan

3.1 ACHIEVEMENTS ON THE EQUALITY AND DIVERSITY PLAN:

March 2014/15

Equality and Diversity training August 2014

Equality and Diversity update for the E and D committee.

Student College diary updated with regard to awareness/detail Equality and Diversity policy (student friendly).

Develop and pilot an Equality Impact Analysis (EIA) – completed for Student and Staff Application forms. Review use of ‘Prefer not to say’ box with regard to data collection completed for staff recruitment

Governing body training

Website page developed & updated

Equality and Diversity calendar created

Monthly Equality and Diversity newsletter created - copies for Governors/Staff and Students.

Equality and Diversity committee visible/highlighted on Connect. Equality and Diversity training for all students integrated into the Ethics & Values programme.

Staff questionnaire on E&D completed.

Student questionnaire on E & D completed.

ACHIEVEMENTS ON THE EQUALITY AND DIVERSITY PLAN:

March 2015-16

Equality and Diversity Champions initiative set up within college to further embed Equality and Diversity within the college with representatives for the nine protected characteristics.

LGBT+ Support Group started on a half termly basis.

LGBTQI+ Anti Hate Crime Fair and talk from the Michael Causer Foundation on LGBT. Student council led.

All students have received anti hate crime lessons and also LGBT+ lessons.

Additional students have been recruited to the Equality and Diversity committee representing both lower and upper sixth. Student council is also represented.

Additional senior staff have been recruited onto the committee, including AHOF from Foundation Learning and an additional HOF.

Additional termly meetings with the Equality and Diversity representative from the Governing Body, documented on Connect.

Audit of Equality and Diversity within the quality cycle.

Equality and Diversity Blog created to share good practice.

Liaison with the Student Council to arrange Equality and Diversity events.

Liaison with marketing to promote Equality and Diversity.

ACHIEVEMENTS ON THE EQUALITY AND DIVERSITY PLAN:

March 2016-17

Unconscious Bias and Homophobic Language training for the Governors
March 2017

Recruit additional students to the Equality and Diversity committee – additional students have been recruited and also five Equality and Diversity Ambassadors have been recruited. This is a scheme that will be reinforced next year in liaison with the Student Council.

Vice Principal recruited to the committee – also a Champion for Gender.

Liaison ongoing with Ethics and Values about E and D, scheme of work on Connect E and D page.

Further liaison with Governors – half termly meetings with CTR (Governor E and D representative – all minutes on Connect E and D page.

Equality and Diversity data has been reported on Carmel Connect as per the Equality Act 2010

Equality and Diversity achievements have been promoted through (Connect) and College website and social media.

Research and reporting resulting in an EIA on female achievement in STEM subjects has been completed with further actions identified and a direct impact on teaching and learning. Liaison has begun with researchers at Edge Hill along the theme of female achievement.

Staff have received training from a student on Gender and Sexuality - feedback from this has been posted on Connect and will result in further training later this year.

Students were given the opportunity to attend a Gender and Sexuality talk from Emma Curerden.

An E and D survey has been completed by A level and A2 students – results from this have been posted on Connect.

LGBTQI+ group has been meeting weekly and has been liaising with the E and D Coordinator and E and D Champion to organise events and increase visibility.

Good practice has been shared with the NWEDI EDUK group about LGBTQI+ issues.

Disability Audit completed and fed back to committee by MMN – student disability survey also completed and fed back to the committee.

3.2 EQUALITY & DIVERSITY TARGETS FOR THE NEXT 3 YEARS: 2016-2019

Annual all staff training on Equality and Diversity (to continue). Annual update and audit on Equality and Diversity for the committee and Governors.

Resilience training for female students

Improve the promotion of both the activities of the committee and College achievements

Highlight Equality and Diversity achievements (Connect) and College website

Identify Equality and Diversity priorities on an annual basis

Work to ensure that the College's Equality and Diversity policy becomes a 'living' document reconciling the narrative of this policy and the achievements of the College in this area.

Audit of Equality and Diversity within the quality cycle.

Quality assurance: develop a mechanism for capturing the QA of EIA's. including the use of EIA's to aid in embedding Equality and Diversity content across curriculum areas.

Continue research and collaboration with universities about female achievement and other issues affecting the protected characteristics.

Equality proof HR policies.

Perform EIA on training courses and professional development processes.

Perform EIA on Sickness/Absence policy.

Continue to increase the visibility of the activities of the E&D committee

Resolve procedures for enrolling LGBTQI+ students.

Explore the opportunity to research mental health issues affecting students' attendance and achievement.

Produce a video and booklet promoting Equality and Diversity within the college.

4. Accountability

Right & Responsibilities

The translation of this policy into practice is the responsibility of everyone in college and any external stakeholders, contractors or others with whom we engage.

4.1 The College Governors are responsible for promoting equality and diversity on behalf of the Corporation. They are also responsible for ensuring that effective policies and procedures are in place to continuously improve the quality of equality and diversity throughout the College.

The College governing body carries the ultimate responsibility, under the law, for ensuring that our College meets the requirements of equality legislation.

In particular governors will:

Set and maintain the strategic direction for equality and diversity. Monitor performance and targets through regular report. Participate fully in all appropriate training and briefing activities related to equality laws and diversity issues. Observe fully the standards and expectations set out throughout this and related policy documents.

4.2 The Principal is responsible for ensuring that equality and diversity is continuously promoted and comprehensively implemented in all aspects of the College's operation.

4.3 The Equality and Diversity Managers (Assistant Principal Staffing & the Equality & Diversity co-ordinator) are responsible for co-ordinating, monitoring and reviewing the Equality and Diversity Policy and for evaluating its effectiveness.

4.4 The role of the Equality & Diversity Committee, and particularly the Equality and Diversity Co-ordinator, will be to:

- Raise the profile of equality assurance issues within Carmel College and ensure that it promotes a culture of equality and inclusivity.
- Monitor the implementation of the Policy.
- Inform management and governors of any problems which require action at manager or governor level.
- Annually review the Policy and to make proposals either for modifications to the Policy and / or related issues, in the light of experience or changing legislation.
- To inform, guide, train & support staff on equality assurance issues.
- Train staff/students as appropriate.
- Co-ordinate the College EIA programme

4.5 The Equality and Diversity Managers are responsible for co-ordinating, reviewing and monitoring the development of Inclusive Learning aspects of equality and diversity across the College.

This will be to:

- Set targets that are realistic in terms of being reasonable, practical and proportionate
- Disseminate information to relevant bodies

4.6 The Equality and Diversity Committee shall consist of:

- The Assistant Principal Staffing
- The Equality and Diversity Co-ordinator
- The Learning Support Manager
- The HR Manager
- The Marketing manager
- A maximum of four additional staff members
- A maximum of six students
- The Estates Manager
- The College Chaplain
- Representative of the Governing body
- *And invite other appropriate internal and external stakeholders to join the committee*

4.7 This Equality and Diversity Policy must be prominently and regularly communicated.

4.8 Details of the Equality and Diversity Committee and members of the senior management responsible for Equality and Diversity will be made public.

- The College Human Resources Team is responsible for the implementation of all aspects of the College's Equality and Diversity Policy relating to the employment of staff.
- All Managers of the College are responsible for promoting Equality and Diversity, and for improving the Equality and Diversity performance of the College and relevant area.
- All Tutors play a vital role in embedding E&D content within teaching and learning activities as appropriate.

4.9 Tutors may be required to undertake some of these roles as part of their brief e.g.:

4.9.1 Informing students of the existence of the Equality and Diversity Policy and its importance to them.

4.9.2 Exploring the basic issues of equality with students so that they understand what rights and responsibilities the Policy confers.

4.9.3 Developing this in the Tutorial Programme in conjunction with the Quality Assurance Group.

4.9.4 Liaising with the Learning Support Team and relevant subject teachers on behalf of particular students.

4.9.5 Acting as a point of call, if appropriate, for students who feel aggrieved / disadvantaged.

4.9.6 Advising on channels of redress / support for student or referring students to another person who can do this.

5. Staff Responsibilities

All employees of the College have a responsibility to comply with the Equality and Diversity Policy and should promote equality and diversity in all aspects of their work:

5.1 All staff must familiarise themselves with the Equality and Diversity Policy and the Equality and Diversity procedure.

5.2 All staff must promote the Policy's aims in terms of working relationships developed i.e. based on respect for people's identity.

5.3 All staff must challenge breaches of the Policy in accordance with College guidelines.

5.4 Students who need extra support should have their needs recognised by teachers. This can take various forms and include:

5.5 Seeking the additional support of the Learning Support Team

5.6 Informing student of learning support materials available in the Library.

5.7 Seeking suitable adapted learning aids ie for the hearing and visually impaired.

5.8 Identifying problems as soon as possible to the appropriate service.

5.9 Classroom management should promote respectful harmonious relationships between students. Staff should challenge any incident / statements made in class in an appropriate way and if necessary refer the matter to the disciplinary process and, if appropriate, to a Senior Manager.

5.10 A similar responsibility for maintaining acceptable standards of behaviour applies outside the classroom for example in corridors, communal areas, or other areas in the college

5.11 Any breach of this policy by a member of staff will/can be dealt with in accordance with the disciplinary/grievance procedures.

5.12. Volunteers looking for workplace experiences contribute significantly to the diversity of the College. They can expect to be treated fairly, with dignity

and respect, and without discrimination. They are likewise expected to treat others fairly, with dignity and respect, and without discrimination. Due to the restrictions imposed by employment law, volunteers are not entitled to the same rights and protections as employees. We will endeavour, however, to provide a good working environment including full training in the provisions of this and appropriate related policies.

6. Student Responsibilities

Students are expected to treat all members of the College community with respect. They must contribute to a respectful harmonious learning environment. They must support and promote the College Student Equality and Diversity guidelines.

Any breach of this policy by a student will/can be dealt with in accordance with the disciplinary/complaints procedures.

7. Period of Review

The policy will be reviewed annually. Policy reviews will always be conducted using our existing and agreed consultative machinery for staff, students and stakeholders. The actions set out in our Single Equality Scheme also have their own timeframes and will be automatically reviewed on the due date(s) listed. Any such actions completed within the Single Equality Scheme will be further reviewed against the prevailing content of this policy to determine if any “knock on” changes need to be made to appropriate clauses within this document.

8. Equality and Diversity Performance Indicators

Students

Achievement rates by ethnicity, gender and disability to be no worse than College average.

□ Analysis of achievement by gender / race / disability / age □
Analysis of destination data by – gender / race / disability / age □
Analysis of Student evaluation data concerning Equality and Diversity

Retention Rates by ethnicity, gender and disability to be no worse than College average.

Attendance rates by ethnicity, gender and disability to be no worse than College average.

Enrolment by ethnicity, gender and disability to broadly reflect College and / or course catchment area.

Staff

Staff profile by ethnicity, gender and disability to broadly reflect the area across which the College recruits and the College population:

- ***% of teaching staff on management range by gender / race / disability / age***
- ***% of support staff by grading – by gender / race / disability / age***
- ***% of staff by employment type (established / temporary / supply) by – gender / race / disability / age***
- ***Analysis of staff climate questionnaire data.***
- ***% of applicants, staff short listed and staff appointed to both internal and external job vacancies by – gender / race / disability / age***

The responsibility to collate and report on the monitoring of Equality and Diversity Policy will lie with the Equality & Diversity committee.

Results of monitoring will be used to assess the effectiveness of the Equality and Diversity Policy and to rethink, and set targets in, relevant Development Plans.

It is the responsibility of all line managers to be aware of the monitoring data available for their area / subject and act on it accordingly.

Publication of the data involved in the monitoring of the Equality and Diversity Policy will take place annually.

Full copies will be given to the following:

- Senior Manager with overall responsibility for Equality and Diversity
- All staff and student members of the Equality and Diversity Group
- Summary reports will be made available on the College Intranet site, which is accessible to all staff and students.

9. Procedure for dealing with breach of the Equality and Diversity Policy

Grievances will be taken seriously and the responses must be confidential (as far as possible) and effective. There are two strands for the resolution of problems, one formal, the other informal.

Both of these are outlined in the College's Grievance Procedure for Staff (available from the HR Department or the College Intranet Site)

The informal and formal strand for students can be accessed through the Student Complaints Procedure. Details of how to register a complaint can be found in the Student Diary.

Proved incidents of breaches of the Equality and Diversity Policy must be recorded and monitored by the Principal and Equality and Diversity Coordinator.

The on-going responsibility for monitoring that no future breach of the Policy occurs lies with the person dealing with the grievance procedure.

Appropriate reports about proven breaches of the policy and/or related policies, together with details of subsequent action taken will be made to the Governing Body and the Equality & Diversity Committee.

10. Related Procedures and Associated Documentation

- College Equality & Diversity definitions
- Dignity at Work Policy (Appendix)
- Annual Equality and Diversity Plan
- Staff Recruitment Policy
- Staff Development and Training Plan
- The Marketing Policy
- The Student Discipline Policy
- Discipline / Grievance policies
- Health and Safety Policy
- College IT Policy
- Data Protection policy

All the above are available from the College Intranet.

11. Authority

The Policy reflects European and UK legislation, Statutory Codes of Practice and guidelines on best practice, including:

The Equality Act 2010

The Equality Act replaces the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, much of the Equality Act 2006, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006, and the Equality Act (Sexual Orientation) Regulations 2007 (where applicable, as subsequently amended), plus other ancillary pieces of legislation and all codes of practice.

The Equal Pay Act 1970 (and 1986)
The Rehabilitation of Offenders Act 1974
The Sex Discrimination Act 1975
The Race Relations Act 1976
The Disabled Persons (Employment) Acts 1944 & 1958
The Disability Discrimination Act 1995
The Disability Rights Commission Act 1999
The Employment Act 1989/1996
The Employment Equality (Age) Regulations 2006
The Employment Equality (Religion or Belief) Regulation 2003
The Employment Equality (Sexual Orientation) Regulation 2003
Employment Protection Act 1975
Employment Rights Act 1996
Equal Treatment Directive 1976
Protection from Harassment Act 1997
The Public Order Act 1986
The Human Rights Act 1998
The Race Relations (Amendment) Act 2000
The Special Educational Needs and Disability Act 2001
The Kennedy, Tomlinson and Moser Reports
The MacPherson Report

As a responsible employer the College will ensure that all staff receive appropriate training on their rights and responsibilities in relation to Equality and Diversity legislation and the College's Equality and Diversity policies and procedures.

Because of its distinctive religious character Carmel College gives preference in its admissions policy to partner schools but it does, as the Mission Statement says, welcome applications from students of all faiths and none. It also welcomes staff from all faiths though there are certain posts, which, because of their nature – seniority or teaching subject are only, open to Catholic applicants.

Appendices

1. College Equality & Diversity definitions
2. Implementing the policy with Equality Impact Analysis (EIA)

3. Equality contacts
4. Dignity at Work Policy (College Intranet)

All the above are available from the College Intranet.

File Name/Path	\\ccdata01\Staff\catherines\msoffice\Policies\Equality and Diversity Policy		
Intranet Path	CONNECT>DEPARTMENTS>COLLEGE POLICIES>EQUALITY AND DIVERSITY POLICY		
Circulation List	Principal	College Union Representatives	
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Appendix 1:

College Equality and Diversity Definitions

1.1 Equality and Diversity

Equality and Diversity aims to ensure that no group receives less favourable treatment on the grounds of one's gender, gender identity, marital or civil partnership status, family responsibility, pregnancy, maternity and paternity, ethnicity, race, colour, nationality, class, HIV status, age, religion or belief, disability, or sexual orientation, unrelated criminal convictions, trade union activity or any other irrelevant criteria.

The Equality and Human Rights Commission defines three aspects of equality:

Equality of Outcome - to eliminate discrimination, harassment, victimisation and other prohibited conduct; to advance equality of opportunity between people who are a relevant protected characteristics and those who do not; and; to foster good relations between people who are a relevant protected characteristics and those who do not.

Equality of Process - fair treatment, or being treated with dignity and respect;
Equality of Choice -autonomy, empowerment, or the degree of choice and control

Carmel College strives at all times to thread these three considerations into all its policies, practices and procedures.

This enables all people to have equality of access to the provision of goods, services, facilities, premises and employment.

It's more about adapting to individual needs not treating everyone the same. We recognise that we always have to differentiate between individuals in order to fulfil their particular needs and potential.

1.2 Racism – All attitudes, procedures and patterns – economic, social and cultural – whose effect, though not necessarily whose conscious intention, is to create, maintain and extend the power, influence and privilege of one group of people over another.

Institutional Racism -*Arising out of the Stephen Lawrence Judicial Inquiry (1997-1999) Lord Macpherson documented the following definition of institutional racism:*

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin.

It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”

1.3 Racism – An implicit set of negative beliefs about a racial or ethnic group. Can result in offensive or violent behaviour towards members of a racial or ethnic group.

1.4 Sexism – All attitudes, procedures and patterns – economic, social and cultural – whose effect, though not necessarily whose conscious intention, is to create, maintain and extend the power, influence and privilege of one group of people over another.

1.5 Prejudice – An opinion or feeling about people of a different group, which is, formed beforehand, without informed knowledge, thought or reason and which is likely to be sustained even in the face of evidence to the contrary.

1.6 Discrimination - Less favourable treatment of an individual or group, which is not based on their work performance or conduct as a member of staff or student.

Direct Discrimination -*Direct discrimination under the law means treating a person less favourably on grounds of their colour, race, nationality, ethnic or national origin, sexual orientation, religion or belief, age, gender, or marital status, gender identity, or for reasons relating to a person's disability.*

Discrimination by Association – *where a person is unfairly treated because they are associated with another person who possesses a protected characteristic. For instance, if you accompany your sister who uses a wheelchair to a nightclub and you were both refused admission because disabled people did “not fit with the nightclub’s image”, not only would she have been directly discriminated against, but you would have been discriminated against by association.*

Discrimination by Perception – *one can suffer discrimination because others perceive that person to possess a particular protected characteristic. Thus, where an employee discloses the fact that he is HIV positive and is dismissed for this, then that is unlawful behaviour, even where it emerges that the former employee is misdiagnosed.*

Indirect Discrimination -*occurs when a rule, condition or requirement, which applies equally to everyone, has a disproportionately adverse effect on people from a particular group (i.e. due to race, religion or belief, sexual orientation, age, gender, marital status, gender identity), and there is no objective justification for the rule.*

1.7 Protected Characteristics -The Equality Act

The Equality Act 2010 consolidates, updates and redefines many types of discrimination enshrined in UK law & regulations as well as European Directives since the 1970's. There are now Nine Protected Characteristics which are defined in the Equality Act 2010, namely:

Age -*An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group they share the protected characteristic of age.*

Disability -*This protected characteristic defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. The social rather than the medical model of disability is used in considerations around making a reasonable adjustment.*

Sex -*This section is a new provision, which explains that references in the Act to people having the protected characteristic of gender are to mean being a man or a woman, and that men share this characteristic with other men, and women with other women.*

Gender Reassignment -*The protected characteristic of gender reassignment for the purposes of law is where a person has proposed, started or completed a process to change his or her sex. A transsexual person has the protected characteristic of gender reassignment. A woman making the transition to being a man and a man making the transition to being a woman, both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing his or her sex, and a person who has completed the process.*

Race - *People who have or share characteristics of colour*, nationality or ethnic or national origins, can be described as belonging to a particular racial group. A racial group can be made up of two or more different racial groups. 'Caste' is likely to be extended to the current definition of 'race'. The term 'caste' denotes a hereditary, endogamous (marrying within the group) community associated with a traditional occupation, and ranked accordingly on a perceived scale of ritual purity. It is generally (but not exclusively) associated with South Asia, particularly India. *Colour includes being black or white.*

Religion or Belief -*This is the protected characteristic of religion or religious or philosophical belief, which is stated to include for this purpose a lack of religion or belief. It is a broad definition in line with the freedom of thought, conscience and religion guaranteed by Article 9 of the European Convention on Human Rights. The main limitation for the purposes of Article 9 is that the religion must have a clear structure and belief system. Denominations or sects within a religion can be considered to be a religion or belief, such as Protestants and Catholics within Christianity. The criteria for determining what*

is a 'philosophical belief' are that it must be genuinely held; be a belief and not an opinion or viewpoint based on the present state of information available; be a belief as to a weighty and substantial aspect of human life and behaviour; attain a certain level of cogency, seriousness, cohesion and importance; and be worthy of respect in a democratic society, compatible with human dignity and not in conflict with the fundamental rights of others. So, for example, any cult involved in illegal activities would not satisfy these criteria.

Sexual Orientation -*The protected characteristic of sexual orientation is defined as being a person's sexual orientation towards: people of the same sex as him or her (in other words the person is a gay man or a lesbian), people of the opposite sex from him or her (the person is heterosexual), or people of both sexes (the person is bisexual).*

Marriage and Civil Partnership – *In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes marriage between a same-sex couple. This will also be true in Scotland when the relevant legislation comes into force. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).*

Pregnancy and Maternity - *a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. Notably, breastfeeding in public is included within this protected characteristic. During these periods, pregnancy and maternity discrimination cannot be treated as sex discrimination.*

1.8 Harassment – Can be directed at any group or individual, and can include unnecessary touching, unwanted physical contact, leering, personal remarks, verbal or written abuse, visual displays, coercion, isolation or non cooperation. Harassment may be repetitive, or an isolated occurrence against one or more individuals and may be:

- **Physical** - contact, assault or gestures, intimidation, aggressive behaviour
- **Verbal** - In person, by phone, text or email - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any of the above characteristics
- **Non-verbal** - offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion from social activities

Harassment is further defined in section 26 of the Equality Act 2010 as "unwanted conduct related to a relevant protected characteristic, which has

the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual. Sometimes this is referred to as "environmental harassment." This definition is limited to anti-discrimination legislation and therefore only applies to harassment on grounds of one or more of the Protected Characteristics. Specific subsections exist within the Equality Act for sexual harassment or situations where an individual is treated less favourably because they reject or submit to unwanted sexual conduct or conduct that is related to gender reassignment or sex.

There are also remedies available in the criminal law for the situations profiled in the three bullet points above and for other forms of harassment. These may be found in the Protection from Harassment Act 1997 and in other criminal statutes dealing with aggravated offences such as incitement on grounds of race or religious hatred.

1.9 Bullying - Persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

The ACAS Statutory Code of Practice 2009 dealing with bullying and harassment helpfully provides the following guidance: "Bullying or harassment may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face."

1.91i "Cyber Bullying" can include the following:

- Unwelcome texts that are threatening or cause discomfort.
- Picture/video-clip bullying via mobile phone.
- Phone call bullying via mobile phone uses silent calls or abusive messages.
- Email bullying uses email to send bullying or threatening messages.
- Sending menacing or upsetting responses in a web-based chat room.

1.10 Adverse Impact -*Adverse impact is the extent to which a policy, practice or procedure disadvantages one or more of the protected characteristics. The College Equality Impact Analysis Procedures (EIAs) are designed to identify any adverse impact and to consider carefully all*

reasonable, practical and proportionate steps in removing any disadvantages and to proactively assess the risk of any such disadvantages.

1.11 Ageism -discriminating against individuals or groups because of their age. It is a set of beliefs, attitudes, norms, and values used to justify age based prejudice, discrimination, and subordination. This may be casual or systematic. It can include prejudicial attitudes towards older people, old age, and the aging process, discriminatory practices against older people; and institutional practices and policies that perpetuate stereotypes about older people. The term has also been used to describe prejudice and discrimination against adolescents and children, including ignoring their ideas because they are too young, or assuming that they should behave in certain ways because of their age.

1.12 Homophobia -a range of negative attitudes and feelings towards homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender. It can be expressed as antipathy, contempt, prejudice, aversion or hatred. It may be based on irrational fears and is sometimes related to religious beliefs.

1.13 Instructions and Pressure to Discriminate or Harass

An employer or principal must not instruct, cause or induce a worker employed by them or their agent to discriminate against, harass or victimise another person, or to attempt to do so. Both the person who receives the instruction or is caused or induced to discriminate against, harass or victimise, and the person who is on the receiving end of the discrimination, harassment or victimisation have a claim against the person giving the instructions if they suffer loss or harm as a result of the instructing or causing or inducing of the discrimination, harassment or victimisation. This applies whether or not the instruction is actually carried out. For example, if a manager instructed his/her receptionist not to make appointments for anyone who might need help from an interpreter, this would constitute an instruction to discriminate.

1.14 Occupational Requirements (OR)

In strictly limited situations, each piece of anti-discrimination legislation allows for a job to be restricted to a person of a particular gender/race or ethnic or national origin/disability status/sexual orientation/religion or belief/age if it is proportionate to apply an OR to the job. There is no definitive list of situations where a GOR will exist. The three main areas tend to be around considerations of i) privacy and decency, (ii) authenticity and (iii) specific services needed, e.g. translation, religious or cultural considerations. Example: Requiring a woman to work at a women's refuge.

1.15 Positive Action -means the steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs.

An employer can use positive action where they reasonably think (in other words, on the basis of some evidence) that:

- *people who share a protected characteristic suffer a disadvantage connected to that characteristic*
- *people who share a protected characteristic have needs that are different from the needs of people who do not share it, or*
- *participation in an activity by people who share a protected characteristic is disproportionately low.*

Sometimes the reasons for taking action will overlap. For example, people sharing a protected characteristic may be at a disadvantage and that disadvantage may also give rise to a different need or may be reflected in their low level of participation in particular activities. To deal with the three situations, an employer can take proportionate action to:

- *enable or encourage people to overcome or minimise disadvantage*
- *meet different needs, or*
- *enable or encourage participation.*

In recruitment, equality law allows positive action before or at the application stage. At this stage, the steps could include encouraging particular groups to apply, or helping people with particular protected characteristics to perform to the best of their ability (for example, by giving them training or support not available to other applicants). An example of when an employer might decide to take positive action is if they find that the make up of their workforce is different from the make up of their local population, so they decide to encourage people who share particular under-represented protected characteristics to apply for vacancies. This is not the same as 'positive discrimination' or 'affirmative action' which equality law does not allow.

1.16 Reasonable Adjustments - *Section 20 of the Equality Act 2010 now imposes a duty upon employers, public authorities and service providers (amongst others) to make reasonable adjustments for disabled people. The duty encompasses three aspects:*

- 1. Provisions, criteria or practices -including corporate policies*
- 2. Physical features, such as the layout of and access to shops*
- 3. Provision of auxiliary aids -including providing information in an accessible format such as Braille, large print or email. For example, when a bank sends statements to its customers, it is providing information. Reasonable adjustments for blind or partially customers could include providing statements in accessible formats such as large print or Braille.*

1.17 Vicarious Liability -*Employers can be held vicariously liable for discriminatory acts by employees even if the event is held off site and out of*

normal working hours. The claim most likely to arise is probably sexual harassment, but employers should be aware that, under the Equality Act 2010, protection from harassment also extends to unwanted conduct on the grounds of age, disability, gender reassignment, race, religion or belief, and sexual orientation. The employer will have a defence to a claim of discrimination and/or harassment if it can show that it took all reasonable steps to prevent the employee from performing the act. Ensuring that employees are aware of the policy on equality and diversity together with all related policies and protocols is a key first step to establishing this defence.

1.18 Victimization -occurs where an individual is detrimentally treated because they engage or believe that the individual has or may engage in a protected act, as defined in section 27 of the Equality Act 2010 These protected acts are:

- Making a claim or complaint of discrimination (under the Equality Act 2010).
- Helping someone else to make a claim by giving evidence or information. -
- Making an allegation that you or someone else has breached the Equality Act 2010.
- Doing anything else in connection with the Equality Act 2010.

2. Implementing the Policy with Equality Impact Analysis Procedures (EIA)

An Equality Impact Analysis (EIA) is a way of finding out if our services and employment opportunities are accessible for our communities and employees. They help us ensure that our policies/initiatives, practices, services and employment practices do not discriminate in any way. An EIA is about being proactive; it looks forward to see that students and employees can access our services, instead of reacting to any complaints or concerns about service delivery/employment practices.

Responsibility for completing an impact assessment lies at service level. Service managers and frontline staff are vital to the assessment process. They will be responsible for conducting the initial impact assessment and any changes/controls needed if the impact assessment identifies the policy or practice as having a potentially discriminatory impact. There is further provision to escalate any issue requiring more detailed consideration and/or consultation.

Full training and on-going support will be provided to all managers and staff undertaking EIAs.

3. Equality Contacts

The Commission for Equality and Human Rights – CEHR 0845 604 6610
England main number 0845 604 6620 -England text phone 0845 604 6630 -
England fax <http://www.equalityhumanrights.com>

EDUK: <http://www.equalityanddiversity.co.uk/>

ACAS <http://www.acas.org.uk/index.aspx?articleid=1461>

SHAP

Produce calendar of all religious groups and various protocols attending on these. <http://www.shapworkingparty.org.uk/>

Equality and Diversity Forum Monthly free e mail newsletter and huge resource of information at a regional, national and international level across all the diversity strands <http://www.edf.org.uk/index.php>

Workplace Law Fantastic daily e-mail newsletter on emerging discrimination issues in the workplace, new cases and briefings.

<http://www.workplacelaw.net/>

Employers Forum on Disability <http://www.efd.org.uk/>

Age Positive <http://www.agepositive.gov.uk/>

Employers Forum on Religion and Belief <http://www.efbelief.org.uk/> Stonewall – Campaign Group for the Lesbian, Gay and Bisexual Community

<http://www.stonewall.org.uk/>

Beaumont Trust – Registered Charity working for Transgender Equality <http://www.beaumonttrust.org.uk/>

Gender Trust – Registered Charity working for those with gender identity issues <http://www.gendertrust.org.uk/>

Fawcett Society – Working to eliminate discrimination between women and men <http://www.fawcettsociety.org.uk/>

HM Government Office for Equalities – Secretary of State <http://www.equalities.gov.uk/>

‘All faiths and none’: working for interfaith dialogue and mutual tolerance & against discrimination in educational and community settings -

www.afan.uk.net

National Council of faiths & belief in FE - www.fbfe.org.uk

<http://www.gires.org.uk/>

Inclusion of any organisation on this list does not imply that the College is any way affiliated to that organisation and whilst we obviously agree with the support and help they can give you, any individual expressions of personal opinion expressed on such websites are not necessarily shared by or should be taken as the policy of the College.