

# Equality & Diversity Policy



The Policy was approved on: 12<sup>th</sup> February 2015

No.	Item	Detail
1	<b>Policy Statement</b>	<p>This Equality and Diversity Policy covers all members of the College community and describes Weston College’s commitment in creating an inclusive college, where people are treated with dignity and respect and where we anticipate and respond positively to different needs and circumstances so that everyone can achieve their potential.</p> <p>We are committed to promoting and advancing equality of opportunity, not only because it is an important part of the mission, vision and values of the College, but also because, by attracting and retaining the most diverse range of talented people as learners, staff and partners, we will ensure the College’s future success. This extends to taking a pro-active approach to seeking opportunities supporting the College’s Equality and Diversity ethos.</p> <p>We welcome students and staff from all backgrounds and value and actively celebrate the benefits that diversity and difference bring to the College and our society.</p> <p>The College raises awareness of equality and human rights, promotes diversity and combats all forms of inequality, disadvantage, prejudice, unfair discrimination, harassment and mistreatment within its communities. The College believes that all forms of prejudice and unfair discrimination are unacceptable. The College is committed to creating a safe environment for all students and staff.</p>
2	<b>Our Policy Aims</b>	<ul style="list-style-type: none"> <li>• To prevent discrimination</li> <li>• To promote equality of opportunity</li> <li>• To promote good relations between people</li> </ul>
3	<b>Rights and Responsibilities</b>	<p>This policy has direct implications for all other College policies. We believe that delivering Equality and Diversity is one crucial strand of our College approach to overall quality improvement and we place it at the very heart of everything we do.</p> <p>Anyone who comes into contact with the College, external or internal customers, will benefit from this policy. All members of our College – staff and learners are subject to this policy. The policy is also binding on our external contractors, employers and other partners that the College collaborates with. The policy applies to all sites and premises belonging to the College or used by the College for carrying out its functions. The Principal and Chief Executive and</p>

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		<p>the College Corporate and Senior Management Team take the lead in ensuring they are implemented.</p> <p>Governing Body responsibilities</p> <p>Governors have a significant role in creating and maintaining an inclusive organisation where all can work, learn and reach their full potential.</p> <p>The Equality and Diversity policy is reviewed by the Equality and Diversity Committee and approved by the Corporation on an annual basis, or earlier if required.</p> <p>The commitment of all members of the College's community is required to make the policy a success. Failure to comply with this Policy by staff or learners will be investigated under the college's disciplinary procedure for staff and students.</p>
4	<b>Specific duties</b>	<ul style="list-style-type: none"> <li>• The College will publish equality objectives every four years as required by the specific duties of the Public Sector Equality Duty.</li> <li>• The College will publish information to demonstrate compliance with the specific duties of the Public Sector Equality Duty.</li> <li>• The College will publish information relating to our employees (including agency) and others affected by our policies and practices. The information will be published in the areas of recruitment and promotion, pay and remuneration, training, appraisals, disciplinary actions, dismissals and other reasons for leaving.</li> <li>• Partner organisations that exercise the College's functions will also have due regard to this specific equality duty.</li> </ul>
5	<b>Meeting Legal Duties</b>	<p><b>Protected Characteristics and Changes in Law</b></p> <p>Under the Equality Act 2010 the headings of age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage and civil partnership, and pregnancy and maternity are now to be known as 'protected characteristics'.</p> <p>Some new definitions of unlawful treatment were introduced by the Equality Act 2010, especially in relation to associative discrimination, perceptive discrimination, third party harassment and victimisation. For more details see Appendix A.</p> <p><b>Employment</b></p>

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		<p>It is unlawful to discriminate directly or indirectly in recruitment or employment because of any of the nine "protected characteristics" in the Equality Act 2010. No member of staff, or prospective member of staff, should receive unfair or unlawful treatment due to their protected characteristic or characteristics. The College will seek to identify and act upon any unfair or unlawful discrimination which denies individual opportunities due to the criteria mentioned above. For more details on types of unfair and unlawful treatment go to Appendix A.</p> <p><b>Equal Pay</b></p> <p>The College will have a structured pay system and we will carry out pay audits following the Equal Pay Code. Any inequalities in the area of equal pay will be tackled through equal pay action plans.</p>
6	<b>Quality of provision</b>	<ul style="list-style-type: none"> <li>• All teaching and training resources and curriculum will ensure that they reflect and promote Equality and Diversity where appropriate.</li> <li>• Departments will take systematic steps to ensure that learners have access to all opportunities irrespective of protected characteristic.</li> <li>• Enrolment processes and initial assessment prior to courses beginning will be used to personalise support for learners, including those with additional support needs.</li> <li>• Every opportunity will be given throughout each academic year for learners/staff to disclose any disabilities or learning difficulties or other needs relating to protected characteristics that they may have. The College will, through a culture of inclusivity, ensure an environment in which people feel able and confident to disclose and to see disclosure as the right course of action. The College will always provide reasonable adjustments in response to disclosure and will never disadvantage a learner/staff on the basis of such needs.</li> <li>• All providers of work based learning under contract to the College and those contracting with the College will be made aware of the College Equality and Diversity and related policies and will be expected to comply with them. Equality and Diversity issues will be raised in College visits to employers and with learners on work based learning.</li> <li>• Work based learners will be empowered and supported to challenge practices and behaviours in the workplace which they feel contravene College policy in relation to Equality and Diversity.</li> </ul>
7	<b>Training</b>	<p>The College has an equality and diversity Annual Training plan which is updated annually. Training is undertaken by all staff during induction and regular updating training is delivered throughout the year to raise awareness and knowledge of equality of opportunity.</p>

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8	<b>Complaints</b>	The College has a number of ways in which staff and students can raise concerns in relation to this policy, e.g. Anti-Bullying and Harassment Policy through line managers and tutors and through forums and surveys.
9	<b>Monitoring</b>	The effectiveness of this policy will be monitored through staff and student data culminating in the Equality and Diversity Annual report. The College has equality objectives as part of the Single Equality Scheme.
10	<b>Policy Review</b>	This policy will be reviewed annually or when there are changes in the workplace such as new tools, systems or conditions.
11	<b>Approval Dates</b>	This version takes effect from: 12 February 2015 The E&D Impact Assessment will be reviewed on the same date.
12	<b>Policy Owner</b>	Identify the person that owns this Policy and can be approached in relation to this: Claire Bushell Executive Lead – Quality and Learning

## Annex A

### Types of Discrimination

#### Direct Discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic.

#### Associative Discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic (for example, a mother of a disabled child).

#### Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### Indirect Discrimination

Indirect discrimination can occur when an employer has a condition, rule, policy or a practice in the company that applies to everyone but which particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if employers can show they acted reasonably in managing their business.

#### Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

#### Third Party Harassment

The Equality Act makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of the company, such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions and they were aware that it has taken place but did not take reasonable steps to prevent it from happening again.

#### Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

### **Failure to make reasonable adjustments**

The duty to make reasonable adjustments comprises three requirements for service providers and those exercising public functions, these requirements are:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

### **Discrimination arising from disability**

Treating disabled people unfavourable when using their services for a reason connected with disability.

## Annex B

### Other Key Changes in the Equality Act 2010

#### Positive Action

As with previous equality legislation, the Equality Act allows Employers to take positive action if they think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

#### Pre-Employment Health-Related Checks

The new Equality Act limits the circumstances when employers (or agencies) can ask health-related questions (of the applicant or in a reference request letter) before they offer an individual a job. Now, before a job offer, employers can only ask health-related questions that help them:

- Decide whether they need to make any reasonable adjustments, for the person, during the selection process
- Decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people and assure themselves that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Once a person has passed the interview and has been offered a job then it is permitted for the employer to ask appropriate health-related questions.

#### Extension of Employment Tribunal Powers

Under previous legislation, an employment tribunal could make a recommendation that an employer must eliminate or reduce the effect on the claimant of any discrimination. The Act extends this power so that it will now be possible for a tribunal to make recommendations that an organisation takes steps to eliminate or reduce the effect of discrimination on other employees, not only on the claimant (even if the claimant has left their employer). For example, the tribunal might specify that an employer needs to train all staff about the organisation's bullying and harassment policy. This power does not apply to equal pay cases.

#### Equal Pay – Direct Discrimination

The Equality Act retains the previous framework that was in place. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment.

However, a change in the Equality Act allows a claim of direct pay discrimination to be made, where no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of

a different sex may have a claim, even if there is no-one of the opposite sex doing equal work in the organisation. This would be a claim under sex discrimination.

The Act carries provisions to introduce compulsory pay audits for employers with more than 250 employees from 2013 (if felt legislatively necessary). Public sector bodies with more than 150 employees will be required to report on gender pay (as well as other equality data) by April 2011.

#### **Pay Secrecy**

The Act makes it unlawful for an employer to prevent or restrict their employees from having a discussion to establish if differences in pay exist that are related to protected characteristics and outlaws pay secrecy clauses in contracts of employment. An employer can require their employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

#### **Procurement**

The Equality Act contains a specific measure on procurement, making provision: “to enable duties to be imposed in relation to the exercise of public procurement functions”. The Act: “makes it clear public bodies can use procurement to drive equality” and creates a more explicit connection between procurement and the new Public Sector Equality Duty.

Local authorities are explicitly permitted to take non-commercial matters into account during the procurement process, when they consider it is ‘necessary’ or ‘expedient’ to do so. This is in order to comply with the Equality Duty.