



## EQUALITY AND DIVERSITY POLICY



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# EQUALITY AND DIVERSITY POLICY AND PROCEDURE

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## Corporate Statement

The College is made up of a wide range of people with diverse backgrounds and circumstances, which we value and regard as a great asset.

We are aware that some groups may unfortunately experience treatment from time to time that has a negative effect on their quality of life. Specific legislation is in place to protect the rights of individuals and groups to ensure that discrimination is prevented and that they are given equal access to employment, education and other services.

The law seeks to prevent discrimination on the basis of nine “Protected Characteristics”, which are:

- Age
- Disability
- Race
- Gender re-assignment
- Marital and Civil Partner status
- Pregnancy and Maternity
- Religion and Belief
- Sex
- Sexual Orientation

All College members, staff, students, partners, visitors, contractors and sub-contractors working on behalf of the College must not unlawfully discriminate against or harass other people including current and former staff, job and student applicants, students, suppliers, partners, contractors and sub-contractors, and visitors.

This applies in the workplace, outside the workplace (when dealing with students, suppliers or other work-related contacts), and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

- a. Direct discrimination
- b. Indirect discrimination
- c. Harassment
- d. Victimisation
- e. Disability discrimination

## **1. Equality & Diversity Policy Statement**

- 1.1 Harlow College is committed to tackling inequality and discrimination, advancing equality of opportunity and promoting equal treatment regardless of any Protected Characteristic.
- 1.2 The College seeks to ensure that this commitment is reflected in everything that it does and that all College members, staff, students, partners, visitors, contractors and sub-contractors working on behalf of the College share this commitment.
- 1.3 The College will make ensure awareness and compliance of this commitment through a variety of both formal and informal means, details of which are contained within this Policy.
- 1.4 This policy does not form part of any employee's contract of employment and the College may amend it at any time without further notice.

## **2. The College Governing Body**

### **2.1 Responsibility**

The College's Governing Body has overall responsibility for ensuring that the College complies with discrimination law. Governors are responsible for the effective operation of this policy and for the advancement of Equality and Diversity ("E&D").

This includes:

- the monitoring and review of this policy;
- the supervision of operational procedures;
- ensuring recruitment and selection procedures are in line with this policy; and
- ensuring that this policy complies with freedom of speech within the law and does not prevent academic staff from being able to question and test received wisdom or put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges.

### **2.2 Training**

Training will be provided, for Governors on matters relating to E&D.

Further training will be provided where required or requested.

### **2.3 Reporting Structures**

The College's Governing Body receives an annual report on E&D activity within the College. The Assistant Principal, Student Services, who leads on E&D, submits the report including recommendations for the College E&D Action Plan and Equality Scheme.

The Governing Body should ensure that E&D issues and policies are implemented and monitored appropriately.

### **3. Students**

#### **3.1 Responsibility**

Students are responsible for their behaviour and conduct and must abide by the College Code of Conduct, and E&D Policy.

#### **3.2 Student Induction**

3.2.1 All students undertake a student induction led by the delivery team for their course and members of Student Services. The induction makes clear to students that discrimination, harassment; bullying and victimisation will not be tolerated on or off campus.

3.2.2 The Student Induction and supporting material that may be delivered via the Tutorial Curriculum are checked by the AP Student Services. E&D is included in both the Induction and the subsequent Tutorial Curriculum and materials are made available to teaching staff throughout the year.

#### **3.3 Challenging Discrimination, Harassment, Bullying and Victimisation**

3.3.1 Where an incident involving discrimination, harassment, bullying or victimisation occurs in the classroom, the teacher should refer students to the Student Code of Conduct, and the Student Induction.

3.3.2 In addition to 3.3.1 above, the teacher should refer to the Student Disciplinary Procedure for guidance on possible sanctions and supportive action that can be taken.

3.3.3 Students and Staff should report such incidents to the Safeguarding Team for students and HR for staff in the first instance.

Where an incident involving discrimination, harassment or bullying occurs outside of College, this should be reported to HR. HR will investigate such incidents and will report the incident to external agencies (such as the police) where appropriate

3.3.4 Where it is deemed appropriate, the College will take action under the Student Disciplinary Procedure

### **4. Staff**

#### **4.1 Responsibility**

Staff are responsible for their behaviour and conduct and for the advancement of E&D both in their classrooms/work areas and on premises used by the College.

#### **4.2 Staff Induction**

4.2.1 All staff are entitled to receive, and must attend, a Staff Induction.

4.2.2 In addition, all new staff must complete the mandatory on-line E&D training package and pass the on-line test.

### 4.3 Staff Development

4.3.1 All staff can apply to attend/undertake additional E&D training, some of which may be mandatory.

### 4.4 Challenging Discrimination, Harassment, Bullying and Victimisation

4.4.1 Staff should report all incidents involving students or staff where discrimination, harassment, bullying or victimisation has occurred relating to the protected characteristics of others, be this on or off premises used by the College. The college management systems are used to capture and produce reports on this information.

4.4.2 Where an incident involving discrimination, harassment, bullying or victimisation relating to a protected characteristic occurs and this involves a member of staff, attempts should be made to resolve the matter informally with the individuals involved where this is appropriate. This should involve explaining clearly the behaviour that is not welcome. If this is too difficult or embarrassing, staff should refer to the appropriate line manager or HR, who can provide confidential advice and assistance in resolving the issue formally or informally.

4.4.3 If informal steps are not appropriate or the matter cannot be resolved in this way, the matter should be reported to the appropriate line manager and HR. This may lead to a Grievance being raised and staff should be directed to the Harlow College Grievance Procedure in such circumstances. As a general principle, the decision whether to progress a complaint is up to the individual complaining of discrimination. However, the College has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it is appropriate to do so. In either case, the matter will be investigated and one result of such investigation may be disciplinary action under the College's Staff Disciplinary Procedure. For further information on the investigation process and action following the investigation, please refer to the Grievance Procedure and College Staff's Disciplinary Procedure (as appropriate).

4.4.4 The College takes a strict approach to breaches of this policy by staff, which may be dealt with in accordance with the College's Staff Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

4.4.5 Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

4.4.6 The making of a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under the College's Staff Disciplinary Procedure.

## **5. External Partners**

### **5.1 Responsibility**

- 5.1.1 External partners with which the College works must comply with the College's E&D Policy and share the College's commitment to E&D, as set on in its E&D Policy Statement (see 1. above)
- 5.1.2 When drawing up agreement or contracts with external partners, the College must ensure that external partners are made aware of the requirement in 5.1.1 above and must assure itself that the external partner has appropriate policies and procedures in place regarding E&D.

## **6. Visitors, Contractors and Sub-contractors**

### **6.1 Responsibility**

- 6.1.1 Visitors, contractors and sub-contractors must comply with the College's E&D Policy.
- 6.1.2 College staff meeting/employing visitors, contractors and sub-contractors are responsible for making them aware of the College's E&D Policy.

## **7. Data Collection and Monitoring**

- 7.1 The personal data of students and staff are collected, stored and used in line with the College's Data Protection Policy.
- 7.2 Course teams, programme areas, central services and the College as a whole are responsible for monitoring the data available for each of the Protected Characteristics, where they are identified, and taking appropriate action to advance E&D and to reduce any gaps in achievement.
- 7.3 Central services and programme areas monitor enrolment, retention, achievement and success data at appropriate points throughout the academic year.

This data is evaluated in SARs (Self-Assessment Reports) and where there are achievement gaps for different Protected Characteristic groups, the teams will identify actions to eliminate or reduce these gaps. These actions become part of the Quality Improvement Plan (QIP) for the area and, as such, are monitored regularly.

- 7.4 Central Services use the data available to them centrally and also put in place systems to monitor data for different groups of people. Key data include those relating to staff (applications, interviews, employment, turnover and staff satisfaction) and students (enquiries, applications, interviews, admissions, complaints, appeals, disciplinaries, breaches of assessment, additional learning support and student satisfaction).

Central Services evaluate such data in their SARs and where there are differences in the data for different groups of people, identify actions to eliminate these differences. These actions are inserted into QIPs and monitored regularly.

7.5 The College's E&D Committee monitors E&D data relating to students and staff.

## **8. Curriculum Development**

8.1 Key issues including E&D are included as part of the review of curriculum programmes and EDIMs (Equality & Diversity Impact Measures) data is used to inform and improve the curriculum offer and its delivery.

## **9. Equality Impact Assessments**

9.1 In accordance with the public sector equality duty, due consideration is given to the potential impact of quality of service delivery/College experience on groups of staff and students whenever there is a change or review of a policy or procedure and every effort is made to avoid adverse or discriminatory outcomes for any members of the college community or its partners.

## **10. Equality and Diversity Scheme and Action Plan**

10.1 The College is committed to a programme of action to make this Policy fully effective. To support the implementation of this Policy we have produced an Equality Scheme and an Action Plan to bring into mainstream focus some of the key functions of the policy. The strategy focuses on five key themes for mainstreaming:

- Leadership
- Communication
- Compliance
- Engagement
- Recruitment, admission, retention and quality learning impacts and achievements of under-represented groups

10.2 In particular, the College will:

- seek to ensure that people are treated fairly and equally regardless of their belonging to any of the Protected Characteristic groups
- promote diversity in its students and staff by recognising the particular contributions that can be made by individuals from a wide range of backgrounds and experiences
- promote and maintain an inclusive and supportive study and work environment, which affirms the rights of individuals to be treated fairly and with respect, and which affords opportunities for all to fulfil their potential.
- Promote a recruitment and admissions process which seeks to ensure equality of opportunity and access for all.

The College's Equality Scheme and Action Plan can be found on the College's website.



## 11. Policy Objectives

By adopting this policy, the College will seek to ensure that discrimination does not take place and that everyone associated with the College is treated fairly and equally. We have therefore made the commitment to create an inclusive environment where discrimination is challenged and equality is positively promoted.

This policy is designed to make more effective use of all the human resources available for the continuing development of the College. It should support better education and training by the College ensuring that:

- Equality of opportunity is embedded in all policies, practices, decision making and evaluation processes.
- The College seeks to promote a positive and welcoming environment and provides equality of opportunity and freedom from discrimination on the grounds of any of the Protected Characteristics.

The College creates a visibly diverse environment which values difference and enables all students to realise their potential.

- The College takes action against any forms of discrimination, harassment and bullying where this relates to a protected characteristic including the publication and display of offensive or degrading literature that might be directed at any member of staff, student or a visitor to the College.
- It is clearly understood that the College's Grievance Policy can be used for challenging all forms of discrimination, harassment and bullying.
- The College values learner and staff feedback in order to remain alert to patterns of inequality and related concerns, which are not identified through statistical monitoring tools.

The College ensures that its stance on equal opportunity is well published within the College itself, with the local community and particularly to all who wish to work or study at the College.

Appendix 1 – Definitions

Appendix 2 – Examples of Discrimination

## TRACKING and REFERENCE INFORMATION

**Date Approved: March 2022**

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**Author/Responsibility:** Assistant Principal with responsibility for Equality & Diversity

**Equality Impact Assessment: TBA**

### **List of related policies, procedures and other documents:**

Complaints Procedure  
Grievance Procedure  
Student Disciplinary Policy  
Staff Disciplinary Policy  
Staff Maternity Policy  
Staff Recruitment Policy  
Data Protection Policy  
Whistleblowing Policy  
Shared Parental Leave Policy  
Adoption Policy

**Complaints:** If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.

**Monitoring:** The application of this policy and associated procedure will be monitored by Assistant Principal with responsibility for Equality & Diversity and The College Governing Body.

**Easy reading:** To receive this policy/procedure in a different format or language, please contact HR Services.

## 12. Appendix 1 Jargon/Key word

### Definition

Direct Discrimination	Someone is treated less favourably than another person because of a protected characteristic.
Direct Discrimination by Association	Someone is treated less favourably because they associate with another person who has a protected characteristic.
Direct Discrimination by Perception	Someone is treated less favourably than another person because others think they have a particular protected characteristic.
Discrimination arising from a disability	this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.
Diversity	Diversity is about acknowledging, respecting and valuing differences between individuals and groups of people.
EDIMs	E&D impact measures are actions an organisation takes to advance E&D.
EHRC	The Equality and Human Rights Commission has duties to promote human rights and equality and to provide advice about the law so that discrimination is avoided. It also has powers to enforce discrimination law in some circumstances.
Equality	Equality is about making sure people are treated fairly and given fair chances. Equality is <u>not</u> about treating everyone in the same way, but it recognises that their needs are met in different ways. Equality is the framework that enables opportunity, access, participation and contribution that is fair and inclusive.
Equality Impact Assessment	A process whereby a policy, procedure or practice is reviewed, and if necessary, amended to ensure that it does not discriminate against any group or individual with a protected characteristic.
Harassment	this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or

offensive environment for them. A single incident can amount to harassment.

#### Indirect Discrimination

a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified.

#### Protected Characteristics

Groups of characteristics given protection against discrimination under the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. (See Appendix 2, item 5 for details.)

#### Reasonable Adjustment

The duty to make reasonable adjustment comprises three requirements. For education providers, these requirements are to take reasonable steps to:

- avoid the substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage compared to those who are not disabled;
- remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts disabled students at a substantial disadvantage compared to those who are not disabled;
- provide an auxiliary aid where disabled students would, but for the provision of such an auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

#### The Act

The Equality Act 2010

#### Victimisation

Retaliatory action against someone who has complained or has supported someone else's complaint about discrimination or harassment.

**An example of victimisation** – An employee training project ran a seminar for unemployed people to help them prepare their CVs. Mehmet, a Muslim delegate, wrote to complain that he was not excused from the seminar to go and observe his afternoon prayers. The next time Mehmet applied to attend the seminar, he was told that there were no places left but he later found out that his friend had been given a place, even though he had applied later than Mehmet. This could be potential as victimisation because Mehmet had made a complaint related to his religion.

**An example of discrimination by perception** - Rupert, a landlord, advertises a flat in a local paper and Ian meets Rupert to find out further details. Rupert assumes that Ian is a gay man, when he is in fact heterosexual. As Rupert does not want to rent his property to a gay man, he informs Ian that the flat is no longer on the market. This is direct discrimination because of sexual orientation, due to the landlord's perception that Ian is a gay man.

**An example of direct discrimination** - A further education college rejects a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. This would be unlawful direct discrimination on the grounds of sex.

**An example of direct discrimination by association** - Julie applies to join a language class and discloses to the tutor that her boyfriend is Jewish, although she is not. The tutor then tells Julie that he made a mistake and the class is actually full. Subsequently, however, Julie discovers that others have been allowed to join the class after she was refused entry. The tutor's conduct could amount to direct discrimination because of religion or belief where it can be shown the rejection was as a result of Julie's association with her Jewish boyfriend.

**An example of indirect discrimination-** The college implements a ban on all headwear including baseball caps, headaddresses and other items of clothing. Whilst on the face of it this appears to affect all students, it may disproportionately affect and disadvantage those who wear headwear for religious reasons. This could be viewed as indirect discrimination based on religion.

An example of harassment - Paula has been hired as a PA in a busy office. One of her colleagues, Taylor, is often stopping by Paula's desk to pick up or drop off files. Several times per week, Taylor will touch Paula's hair complimenting her on the style. Paula has told Taylor on multiple occasions that she doesn't like anyone touching her hair, but Taylor continues to play with Paula's hair on a regular basis. This could be considered sexual harassment.