

CHESTERFIELD COLLEGE

EQUALITY AND DIVERSITY POLICY FOR STAFF, LEARNERS AND VOLUNTEERS

Manager Responsible: Director of Learner Experience

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Equality and Diversity Policy for staff, learners and volunteers

1. Introduction

Chesterfield College is firmly committed to achieving equality for all and values diversity. The College will continuously strive to create a positive environment, representative of and responsive to different cultures and groups where everyone has an equal chance to succeed.

The College recognises its role as a provider of further education in strengthening economic performance and improving life chances by offering opportunities to individuals, through learning and skills, which can benefit wider society. The College will support wider inclusion by offering opportunities for disadvantaged learners and widening participation through a range of learning opportunities.

The success of the College depends on people. Capitalising on what is unique about individuals and drawing on their different perspectives and experiences adds value to the way the College operates and how individuals develop.

By accessing, recruiting and developing talent from the widest pool we can gain insight into different cultures and communities and generate greater creativity in supporting students, staff and volunteers.

We all have a responsibility to embrace and support this vision and must continue to challenge behaviour and attitudes that prevent us from achieving this. Using fair, objective and innovative practices our aim is to ensure that:

- All individuals are treated fairly and with respect at all stages of our interaction with them
- All individuals have the right to be free from harassment and bullying of any description, or any other unwanted behaviour, whether based on sex, trans-gender status, marital status, civil partnership status, pregnancy, race, disability, age, political or religious belief or sexuality
- Students, staff and volunteers have an equal chance to contribute to achieve their potential, irrespective of any defining feature that may give rise to unfair discrimination
- The diversity of the communities we serve is reflected at all levels in our student and staff profile

2. Context

College mission

Chesterfield College aims to provide outstanding education and training for all learners.

College vision

Our vision is that by 2015 we will become recognised nationally as an outstanding college by learners, employers, partners, regulators and the people who work for us.

Underpinning our mission and vision are our core values. Our core values articulate the way we will operate and what is important to us.

We aim at all times to:

- Put the learner first
- Have a genuine culture of inclusivity where all people and communities are valued
- Operate with openness and honesty
- Act with integrity and recognise our responsibilities
- Work as a team respecting, supporting and valuing each other
- Seek continuous improvement

Purpose/Aims of the Policy

The policy is designed to establish clear guidance for employees, learners, contractors and visitors.

The College will seek to ensure that:

- Governors, staff, learners and all stakeholders (including work placement providers) are aware of our policy and value placed on equality and the action needed for its implementation.
- Governors and staff have access to comprehensive information which will assist them to plan, implement and monitor actions to carry out their responsibilities under the policy.
- The College's publicity materials present appropriate and positive messages about all groups and promote widening participation.
- The College will make every effort to ensure that the ethos of an open access College is maintained. The College will focus on ways in which we can increase learner recruitment from under-represented groups.
- The curriculum is designed to reflect diversity; a wide range of teaching methods and resources are employed to promote inclusivity and sensitivity to issues of equality and diversity.
- Learners from all groups have access to appropriate support and facilities.
- The College will identify strategies to reduce any identified achievement gaps to ensure learners gain maximum benefit from their learning experience.

- Applicants for employment are drawn from a wide pool with positive action to encourage applications from under-represented groups.
- Staff recruitment and promotion procedures are designed to eliminate discrimination against any one group.
- Staff development schemes are designed to meet the particular needs and enhance the skills of all individuals/groups.
- College facilities are reviewed regularly to ensure that the needs of particular groups of learners and staff are not overlooked.
- The College expects that all partners eg franchise partners, sub-contractors, employers delivering apprenticeships and work placements, have an Equality and Diversity Policy in place. Partners are also made aware of the importance placed on equality and diversity by the College.
- The views of learners, staff and external bodies will be sought and used to recommend improved practice within the College.
- The College will undertake an annual self assessment of equality and diversity. This will form part of the College self assessment process for leadership and management under the Common Inspection Framework.

3. Using the terms

The Equality and Human Rights Commission (EHRC) defines an equal society as one which:

‘Protects and promotes the central and valuable freedoms and real opportunities of each person, securing human rights for all and ensuring that no-one is unfairly disadvantaged. In an equal society, central and valuable freedoms and real opportunities are not unconstrained but are limited by the need to guarantee the same freedoms and opportunities for all. In an equal society, institutions and individuals respect the diversity of people and their goals, address their different needs and situations, and remove the barriers that limit what people can do and can be.’

3.1 The EHRC defines three aspects of equality:

- Equality of outcomes
- Equality of process (fair treatment, ore being treated with dignity and respect); and
- Equality of autonomy (empowerment, or the degree of choice and control)

3.2 The College takes a ‘whole systems’ approach to promoting equality in areas including:

- Outcomes, strategy and support, including dialogue with learners, potential learners and community groups to establish outcomes which meet their needs and aspirations
- Performance management, including sharing knowledge
- Human resource management including staff diversity
- Governance, including effective processes for community engagement.

3.3 The term 'diversity' is defined by the Chartered Institute of Personnel and Development (CIPD) as follows:

'Diversity consists of visible and non-visible factors, which include personal characteristics such as background, culture, personality and work-style in addition to characteristics that are protected under discrimination legislation in terms of race, disability, gender, religion and belief, sexual orientation and age. Harnessing these differences will create a productive environment in which everyone feels valued, their talents are fully utilised and organisational goals are met.'

4. Policy and legislation*

The Equality Act 2010 replaces and incorporates all existing anti-discrimination laws with a single act. The College's policy and single equality scheme incorporate all seven strands of the Equality Bill. The equality scheme includes specific targets to achieve strategic outcomes. The scheme is developed in consultation with staff, learners and special interest groups.

The College position with regards to anti-discrimination is determined as:

Age equality

Age diversity within the workplace is promoted and valued through:

- Challenging age stereotyping
- Recognising the benefits of a mixed age community

Disability equality

The abilities of disabled people are recognised and valued at all levels in the College through:

- Encouraging people to disclose their learning difficulties and/or disabilities
- Focusing on what people can do rather than what they cannot
- Challenging stereotypes about people with disabilities
- Making appropriate adjustments to help people with disabilities achieve their full career potential

Gender equality

Women and men are fully and properly represented and supported at all levels in the College through:

- Challenging gender stereotypes
- Tackling gender segregation
- Supporting individuals in balancing their life at college and at home
- Supporting individuals who become pregnant and taking active steps to support them throughout the maternity period

Gender identity equality

The College promotes gender identity equality and positively takes steps to:

- Tackle gender identity discrimination
- Promotes equality for lesbian, gay, bisexual and transgender staff and learners
- Supports people who plan to undergo, are undergoing, or have undergone gender re-assignment are protected against all forms of discrimination and harassment.

Race equality

The racial and cultural diversity of our communities is represented at all levels of the organisation through:

- Challenging racial stereotypes
- Understanding, respecting and valuing different racial and cultural backgrounds and perspectives
- Promoting race equality in our programmes of education and training

Religion or belief equality

People are treated fairly in the College irrespective of their religious beliefs and practices or political opinions by:

- Recognising an individuals' freedom of belief and right to protection from intolerance and persecution.
- Providing a safe environment where learners and staff can raise issues and debate differences

Sexual orientation equality

People are treated fairly in the workplace irrespective of their sexuality through:

- Respecting different lifestyles and gender identities
- Challenging negative stereotypical views

5. Implementing the policy

The College has identified leadership responsibilities for the policy and scheme and stated the responsibilities of:

- The Executive/Senior Leadership teams
- Governors
- Staff
- Learners
- Contractors and service providers
- Visitors

The Corporation are responsible for ensuring the College has an equality policy and meets its legal requirements and will monitor overall performance in the College's equality and diversity practice in terms of impact.

The Principal and representative members of the Executive and Senior Leadership team are part of the Equality and Diversity Board which includes staff and learner representatives. The Principal chairs the Equality and Diversity Board that meets twice yearly to establish the strategic direction of equality and diversity in the College, update policy and procedures, monitor and review outcomes and receive reports from the Equality and Diversity Steering Group. The Board reports directly to the Corporation.

The Director of Learner Experience and members of the Executive and Senior Leadership team are part of the Equality and Diversity Steering Group. The Director of Learner Experience chairs the Steering Group that meets four times yearly. The role of the Steering Group is to ensure that an equality and diversity ethos is embedded in all aspects of College life for learners and staff and to develop a whole college approach to equality and diversity by establishing targets via the Equality Scheme.

An Equality and Diversity Curriculum Focus Group and Learner Focus Group feed into the Equality and Diversity Steering Group. The role of these groups is to provide a learner forum on equality matters, monitor EDIMS across the curriculum, share good practice and embed equality into the curriculum.

6. Responsibility

All individuals within the organisation have a responsibility to comply with the Equality Policy and have a positive attitude to ensure success. All the College partners are expected to hold the same responsibility and commitment.

All staff are legally obliged to:

- act in an appropriate manner
- report all incidents
- co-operate with agreed College policies

All managers and supervisors have a responsibility to:

- foster a workplace free of harassment
- intervene

- take appropriate action

All learners have a responsibility to:

- co-operate and comply with any measures set out to improve or sustain the concept of equality and diversity including the reporting of bullying and harassment

Breaches of the Policy

As a public sector organisation the College has a responsibility for meeting the general and specific duties in the relevant legislation. All contracts and partnership agreements will comply with the College's responsibilities under the Act.

Any member of staff or learners that is found to be in breach of the Equality and Diversity Policy and/or relevant legislation will be dealt with through the formal disciplinary procedures.

7. Monitoring and review

The College will seek to ensure that College policies and procedures, via Equality Impact Assessments are assessed on a regular basis to ensure they do not have a negative impact on any particular groups of people.

The College will monitor the effectiveness of the policy through the Equality Steering Group and the Equality Board. The Principal chairs the Equality Board which reports to the Corporation.

The following information is reviewed to monitor the effectiveness of the policy:

- Enrolment trends and statistics
- Staff data
- Learner surveys and general feedback
- Self assessment reports
- Equality and Diversity impact measures (EDIMS)
- Equality impact assessments
- Lesson observations
- Examples of good practice
- Complaints and any subsequent actions
- Any other relevant data

The policy will be reviewed annually or as a result of legislative changes with any amendments approved by the Corporation.

8. Links to other Documents

This policy links to the following other documents:

- Equality Scheme

- Learner Services Policy and guidelines
- Harassment Policy and guidelines
- Admissions Policy
- Complaints Procedure
- Disciplinary Procedure
- All Human Resource Policies and Procedures

***The Equality Act 2010** replaces the existing anti-discrimination laws into a single act and incorporates and extends some key pieces of legislation:

Employment Equality (Age) Regulations 2006
 Disability Discrimination Act 1995
 Special Educational Needs and Disability Act 2001
 Disability Discrimination Act
 Sex Discrimination (Gender Reassignment) Regulations 1999
 Gender Recognition Act 2004
 Equality Act 2006
 Work and Families Act 2006
 Race Relations Act 1976
 Race Relations (Amendment) Act 2000
 Employment Equality (Religion or belief) Regulations 2003
 Employment Equality (Sexual Orientation) Regulations 2003

And embodies the principles of:

Human Rights Act 1998

Guidance notes

The legislation in relation to equality will be updated in October 2010 under the provisions of the Equality Act. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in creating a fair environment and workplace to comply with legislation.

The Equality Act covers the following groups that are protected by legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These groups were previously covered in a range of legislation but the Equality Act defines them as ‘protected characteristics’. If you fail to treat people in these groups less favourably you would discriminate against them and there are a number of ways you can discriminate.

Types of discrimination: definitions

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Associative discrimination

Associative discrimination applies to race, religion or belief and sexual orientation and has been extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive discrimination

Perceptive discrimination applies to age, race, religion or belief and sexual orientation, disability, gender reassignment and sex. This is direct discrimination 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 applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnerships, disability and gender reassignment. Indirect discrimination occurs when you have a condition, rule, policy or practice that you apply to everyone but that particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified in certain situations i.e. that is if it is ‘a proportionate means of achieving a legitimate aim’. A legitimate aim might be any lawful decision made in running a business unless there is a discriminatory effect which has the sole aim of reducing costs in which case it would be unlawful.

Proportionate means being fair and reasonable, including looking at less discriminatory alternatives to any decision made.

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'.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Individuals can complain of behaviour they find offensive even if it is not directed at them and they do not possess the relevant characteristic. They are also protected from harassment because of perception association.

Third party harassment

The Equality Act protects individuals from harassment by third parties who are not employed by the College. This only applies where the harassment has happened on more than two occasions, when the College is aware it has taken place and if we have not taken steps to prevent it happening again.

Victimisation

Victimisation occurs when an individual 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. This does not apply where a malicious or untrue complaint has been made.

Positive Action

The Equality Act allows you to take positive action for individuals who share a particular protected characteristic suffer a disadvantage connected to that characteristic or if their participation in an activity is low e.g. positive action to support disabled people who apply to work or study in the College.

Examples of types of discrimination

(Source ACAS – The Equality Act – What’s New for Employers? July 2010)

Direct discrimination

Paul, a senior manager, turns down Angela’s application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage are homophobic. Paul thought that Angela’s sexual orientation would prevent her from gaining the team’s respect and managing them effectively. This is direct sexual orientation discrimination.

A learner who is homosexual is treated differently to other learners because of his sexual characteristic and told to sit at the back of the class away from others who he might affect would be directly discriminated against.

Associative discrimination

June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn because the boss thinks that June will not have time to concentrate on her new job due to caring responsibilities for her mother. This may be discrimination against June because of her association with a disabled person.

Jenny supports her friend who is a disabled learner. She has been taunted by her tutor because of this relationship, this is discrimination by association.

Perceptive discrimination

Jim is 45 but looks much younger. Many people assume he is in his mid 20’s. He is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against because of the perception of a protected characteristic.

A mature student has joined a group of young learners. The tutor constantly refers to the student as the ‘oldie’ and infers that she will not be able to keep up with the others – this is perceptive discrimination.

Indirect discrimination

Biggs Bookstore experiences a sudden increase in business and asks all staff to work on Saturdays. John, who is Jewish, says that he cannot break the Sabbath and requests to be excused Saturday shifts. Biggs try unsuccessfully to accommodate John’s request and finally dismiss him. If Biggs Bookstore can show that they acted legitimately and proportionately, they would be judged not to have discriminated against John.

Jim wants to attend a further education programme but the prospectus states that it runs on a Saturday morning only. He states he cannot attend on the Saturday as he is Jewish and the College should offer him an alternative. It is not a viable option for the College to run the programme on another day as

there are only enough delegates for one course and the preference for attendance is a Saturday. This is not indirect discrimination as the decision has been based on a proportionate judgement on the viability of accommodating Jim's needs.

Harassment

Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him. This is potentially harassment.

Pam is disabled and was humiliated in a class where the tutor made derogatory remarks about her wheelchair and the space it took up in the classroom. The tutor blamed Pam for holding the class up whilst she was trying to manoeuvre into the room and made a point of pointedly showing her frustration. Some of her classmates claimed harassment even though they were not directly being harassed. The legislation recognises this situation as discrimination.

Steve is continually being called gay and other related names by the group of employees at his work. Homophobic comments have been posted on the staff notice board about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group know he isn't gay. This is potentially harassment because of sexual orientation.

Third party harassment

Chris manages a Council Benefits Office. One of his staff, Frank, is gay. Frank mentions to Chris that he is feeling unhappy after a claimant made homophobic remarks in his hearing. Chris is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. Chris reacts by having a word with the claimant, pointing out that his behaviour is not acceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. Chris keeps Frank in the picture with the actions he is taking and believes he is taking reasonable steps to protect Frank from third party harassment.

Penny is being taunted by her workmates on her work experience programme that she is a lesbian, she is not a lesbian but they continue to keep calling her names. The College assessor overhears them taunting Penny when she visits the site and makes a point of telling them that this is not acceptable and that she will not tolerate this and will withdraw Penny from the programme. She makes it clear that the College will not tolerate this situation. The tutor has taken appropriate action to deal with this situation.

Victimisation

Anne makes a formal complaint against her manager because she feels she has been discriminated against because of marriage. Although the complaint is resolved through the grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

Amy is late for class and because of this her tutor decides that the class must stay behind class finish times to cover the programme. Her classmates are frustrated by this and decide they will not speak to her or sit with her in breaks. This could be classified as victimisation.

Pregnancy

Lydia is pregnant and works at a call centre. The manager knows Lydia is pregnant but still disciplines her for taking too many toilet breaks as the manager would for any other member of staff. This is discrimination because of pregnancy and maternity as this characteristic doesn't require the normal comparison of treatment with other employees.

Ella is pregnant and is suffering some complications which mean that she has to regularly attend the surgery to have her blood pressure checked. As the surgery is not open outside College hours she needs to attend in class time. This has impacted on her studies and attendance. She has been told by her tutor that she will be marked absent for the whole day despite the fact she is only missing one session at a time. As this is treating Ella differently than other students because of her pregnancy this is discrimination.