



EQUALITY AND DIVERSITY POLICY

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Approval by	SLT
Date to be reviewed	May 2017
Responsibility/Main point of contact	Assistant Principal Quality Assurance and Support
Associated Documents	Disability Statement Admissions Policy Bullying and Harassment Policy Compliments, Comments and Complaints Procedure Recruitment Policy Redundancy Policy
Version no.	V2/0316



1.0 Policy Statement

- 1.1 This policy was developed in consultation with trade unions, staff, learners, customers, contractors and partner organisations that have a legitimate interest in the Equality and Diversity policy. The policy is an integral part of the College's value system and it applies to staff, learners, Governing Body, Partner organisations (e.g. contractors or 3rd sector partners) that exercise or benefit from college's functions.
- 1.2 Walsall Adult and Community College will support this policy through guidance, support and training for all staff.
- 1.3 This policy will support the implementation of our "Mission": "*Walsall Adult and Community College works in partnerships to raise adults' skills for work, for life and for citizenship.*" in a manner that embraces our values:
 - Partnership
 - Respect
 - Accountability
 - Innovation
 - Sustainability
 - Excellence

2.0 Our Commitment

- 2.1 Our vision for equality and diversity is clear; we want all our learners and staff to reach their full potential. Through adult and community learning and staff development we want to support our communities so that they flourish and are motivated to make a positive contribution to local and national economy.
- 2.2 Walsall Adult and Community College (WACC) is committed to active promotion and support of equality, diversity and inclusion for learners, staff and governors and for all those we work in partnership with such as employers and community groups. Our commitment extends to members of public and all those that come into contact with us. We seek to practically apply principles of EDI in the way we organise, manage and deliver our services and in the employment of our staff on all sites. We are committed to safeguarding and promoting the welfare of our learners and expect all staff to share this commitment.

3.0 Scope of Policy

- 3.1 This policy covers all aspects of the work of the College, including employment, teaching and learning, governance arrangements, career guidance, collaboration with external stakeholders, procurement and other areas.

4.0 Key Principles

- 4.1 **Commitment to ensuring equality in all areas of practice.** It is the policy of Walsall Adult and Community College to treat all applicants for employment, staff, learners and customers fairly. In development of this policy the college was guided by Equality Act 2010 that covers the following 'protected characteristics':

- age
- disability (including mental health and clinical obesity)
- race
- religion or belief
- sex
- sexual orientation
- gender reassignment (people having or who have had a sex change, transvestites and transgender people)
- marriage and civil partnership
- pregnancy and maternity

The college will ensure that no requirement or condition will be imposed without justification which could disadvantage individuals purely on any of the above grounds.

- 4.2 We recognise, however, that other aspects of a person's identity, background or circumstances can cause them to experience discrimination, for example a person's socio-economic status, class or background. We are committed to advancing equality and eliminating discrimination on these grounds.
- 4.3 **Determination to tackle discrimination in all its forms.** The College will provide a safe and positive environment and will not tolerate discriminatory behaviour within the College community. The college will ensure that all manifestations of discrimination, harassment, victimisation and bullying on the grounds of any of the 'protected characteristic' are appropriately dealt with under this policy. Some new definitions of unlawful treatment were introduced by Equality Act 2010, especially in relation to associative discrimination, perceptive discrimination, third party harassment and victimisation. For more details see Appendices.
- 4.4 **Advancing equality of opportunity between people from different groups.** The College will seek to provide a positive environment that enables all different groups of people to achieve, particularly those with lower success rates compared to other groups.
- 4.5 **Celebration of the diverse nature of society.** The College aims to recruit a learner body that is representative of the local community and to employ a workforce, and have governors that reflect the community it serves.

4. 6 ***Fostering good relations between people from different groups.*** The College will create positive opportunities for people from different groups to exchange cultural experiences and contribute to social progress that recognises the needs of everyone. The College supports a whole organisation approach to sustainable development and support the development of sustainable communities.

5.0 Evaluation of impact

- 5.1 In order to realise the College's commitment to equality and diversity the College will demonstrate planning and analysis of impact (equality impact analysis) in relation to its key functions.

6.0 In the provision of services, the College will:

- 6.1 Through its Admissions Policy support non-discriminatory access. Every effort will be made to ensure equality for learners providing suitable support in order for all learners to access all services and facilities at WACC.
- 6.2 Use admissions processes and initial assessment prior to the start of courses will be used to personalise support for learners, including those with additional support needs.
- 6.3 Through a culture of inclusivity, ensure an environment in which people feel able and confident to disclose and see disclosure of the right course of action. We will seek to provide reasonable adjustments in response to any disclosure.
- 6.4 Through the Bullying and Harassment Policy, and the Compliments, Comments and Complaints Procedure enable those who believe they have been victims of discrimination and/or harassment to raise concerns and realise redress without unnecessary difficulty or delay.
- 6.5 Use a range of activities to identify learner views of the College and the quality of their experience

7.0 In Curriculum, the College will:

- 7.1 Promote planning, teaching and learning styles and resources that encompass the concept of equality, diversity and inclusion.
- 7.2 Commit to narrowing achievement gaps between different groups of learners. Using success and progression data of different groups to set targets to improve the performance of underachieving groups.
- 7.3 Promote learning material free from any form of discriminatory assumptions, images and languages and provide facilities that will encompass the individual needs.
- 7.4 Provide the opportunity for learners to achieve mutually agreed goals (individual learning programmes) and wherever possible adapt the learning environment in order to maximise the learner's potential.

7.5 Work closely in partnership with other educational providers and relevant agencies in order to share data and identify which groups are underrepresented in our local communities.

8.0 In Marketing and provision of information, the College will:

8.1 Promote its services to underrepresented individuals and groups.

8.2 Base curriculum design and delivery on individual educational need and provide appropriate support systems.

8.3 Provide flexibility in terms of modes of attendance and provide information in a variety of public and community venues and in a variety of alternative formats.

8.4 Upon request provide materials and information in alternative formats.

9.0 In Recruitment and Selection, the College will ensure that:

9.1 No applicant or employee is treated less favourably than another in terms of selection for employment, working conditions, through application of HRD procedures or in career advancement.

9.2 Ensure that recruitment and selection procedures do not directly or indirectly discourage or discriminate against groups with 'protected characteristics' who may wish to apply for vacant posts.

10.0 Arrangements for implementation

10.1 The College will consult with users and stakeholders regularly about this policy.

10.2 Ensure that the outcomes of actions, for example, of equality of targets or positive actions in relation to 'protected characteristics', are achieved and published.

7.3 Where appropriate and reasonable, set up working groups, forums and networks that enable it to embed and advance the principles of this policy.

11.0 Monitoring

11.1 Local and national data will be collected, reviewed and used effectively to monitor, plan and develop our services.

11.2 College policies will be reviewed regularly to ensure their currency and effect.

11.3 College may, where appropriate and reasonable, set up other monitoring practices that enable it to check its performance against this policy.

12.0 Accountabilities

- 12.1 The Board of Directors is responsible for agreeing the principles of the policy and providing challenge and support to the Principal where appropriate.
- 12.2 The Principal has the overall day-to-day responsibility for overseeing the management of the policy and any concerns arising under the policy.
- 12.3 Line managers are responsible for applying the policy within their areas of responsibility and for dealing with any concerns raised under the policy.
- 12.4 Chair the EDI Forum is responsible for implementation and review of the policy and providing guidance in relation to any concerns raised under this policy. The EDI Forum is responsible for monitoring the operation of the policy.
- 12.5 The EDI Forum is responsible for ensuring that the College delivers its specific Public Sector Duties to:
- Publish equality objectives every four years
 - Publish an annual report to demonstrate compliance with the specific duties of the Public Sector Equality Duty
- 12.5 Everybody has a responsibility to apply all principles of the policy in their area of work and staff may, from time to time, be given specific work related to objectives of this policy.
- 12.6 Training in equality and diversity will be provided so directors, managers, staff and learners understand their roles and responsibilities in relation to equality and diversity.

13.0 Relationship to other Policies

- 13.1 The Equality and Diversity Policy applies across all other policy areas, as defined within the scope of this policy and will take precedence if there are any practices or criteria inconsistent with this one.

14.0 Monitoring and Review

- 14.1 This Policy has been approved by the Board of Directors and is to be reviewed by the Board on an annual basis.
- 14.2 The responsibility for ensuring that this policy and its associated processes and procedures remain appropriate and comply with changes in legislation will be the AP Quality Assurance and Support.

15.0 Breaches of the Policy

- 15.1 Breaches of the policy will be dealt with in accordance with the disciplinary provisions set out in the relevant College policy.

- 15.2 The College does not accept or condone discrimination of any nature, either direct or indirect.
- 15.3 No forms of discriminations will be tolerated; any incident of discrimination will be investigated and dealt with through Disciplinary Procedure. All staff are responsible for ensuring that incidents of discriminatory behaviour are recorded and referred to the relevant member of the Senior Leadership Team. For more details on the forms of unlawful actions covered by Equality Act 2010 refer to Appendix 1.

Appendix 1

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). Previously applying to race, religion or belief and sexual orientation, it now extends to cover age, disability, gender reassignment and sex, although it does not apply to marriage and civil partnerships or pregnancy and maternity.

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. Previously applying to age, race, religion or belief and sexual orientation, it now extends to cover disability, gender reassignment and sex, although it does not apply to marriage and civil partnerships or pregnancy and maternity.

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. Previously applying to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership, it now extends to cover disability and gender reassignment, but does not apply to pregnancy and maternity.

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. 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. Previously applying to sex, it now extends to cover age, disability, gender reassignment, race, religion or

belief and sexual orientation. It does not, however, apply to marriage and civil partnerships or pregnancy and maternity.

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. It exists for all Protected Characteristics.

Dual Discrimination

The concept of dual discrimination is introduced by the Act but will not come into effect until 2011. This is where an individual, who believes that he or she has been treated less favourably because of a combination of two protected characteristics, can bring a combined claim, but only for direct discrimination (and with the exception of marriage and civil partnerships or pregnancy and maternity).

Appendix 2

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 them 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 Employers 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.

The act will ‘encourage’ and ‘enable’ Walsall Adult and Community College to use its procurement activities to further equality objectives and seeks to invoke a cultural shift in how public authorities pursue equality objectives through their procurement activities.