



Equality and Diversity Policy

Policy:	Equality and Diversity Policy
Developed by:	Equality and Diversity Manager
Date developed: 30.04.2014	Reviewed: N/A Version: N/A
Date of approval and by whom:	Governing Body, 15 July 2020
Date of equality analysis:	July 2020
Reviewed by:	Graeme Murdoch, Deputy CE/Principal (Quality and Student Experience)
Review date:	July 2020
Date of next review:	July 2022

If you have any questions about all or part of this document, or if you would like this document in an alternative format, please contact us on 01904 770372 or email us at qi_admin@yorkcollege.ac.uk.

To ensure version control, please do not print this document – as tomorrow it could be out of date.

Equality and Diversity Policy

1. Policy Statement

York College is committed to equality of opportunity. The aim is to support the delivery of the College's mission and objectives by creating an environment where people treat each other with mutual respect.

York College's Governing Body recognises its legal duties under the general equality duty within the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who don't share it
- Foster good relations between people who share a protected characteristic and those who do not share

The nine protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage or civil partnerships. However, we recognise that there are also some disadvantaged groups within the College who are not covered by the legislation, for example, students in poverty, with complex and adverse childhood experiences and those from socially disadvantaged backgrounds who need similar protection and support in order to access the same opportunities as others.

2. Purpose

The purpose of this policy is to establish clear College guidance regarding equality and diversity and to establish key principles, structures and monitoring arrangements for the College. The guidance is applicable to Governors, all employees, students, **employers who engage with the College**, contractors, volunteers and visitors.

The College will regularly measure, review and reinforce the effectiveness of the policy through:

The Strategic Plan and associated action plans
The cycle of Self-Assessment

Surveys involving interested parties

Monitoring activities, including data analysis where relevant

3. Supporting Policies and procedures

The principles and aims of this policy complement and are supported by other policies, procedures and information including:

For students:

Safeguarding Young People and Vulnerable Young Adults (Child Protection) Policy
Able to Learn – Learning Support available to students
Anti-bullying Policy
Admissions Policy
Complaints and Compliments Procedure
Student Disciplinary Policy and Procedure
Fitness to Study Policy
Assessment Policy
Higher Education Access and Participation Plan

For staff:

Disciplinary Policy
Capability Policy
Flexible working Policy
Grievance Policy
Dignity at Work Policy
Harassment and Bullying Policy
Induction Policy
Maternity and Adoption Policy and Procedure
Paternity Leave Policy
Recruitment and Selection Policy
Safeguarding Training Policy
Shared Parental Leave Policy
Sickness Policy
Training and Development Policy

4. Key Principles

We believe that all forms of prejudice and discrimination are unacceptable. In recognition of the fact that they can take a variety of forms, depending on the group (protected characteristics) against whom they are directed, the College Equality and Diversity Policy will embody the issues specific to discrimination on the grounds of: age, disability, gender, gender re-assignment, race, religion and other beliefs*, sexual orientation, marriage and civil partnership, pregnancy and maternity. However, we believe that prejudice and discrimination against anyone without a protected characteristic is also unacceptable.

* individuals who have no religion or belief are entitled to the same protection as those who have religion or belief

5. Equality and Diversity Principles within the Employment Code of Practice

We embrace equality and diversity in all of its aspects and aim to employ a workforce, which reflects, at every level, the communities which the College operates in.

In seeking to achieve a balanced workforce at all levels, the College will ensure that no employee, job applicant or candidate for promotion or training will be disadvantaged, or treated less favourably because of conditions or requirements that are not related to the job. Reasonable adjustments will be made to working arrangements and premises to ensure equal access for employees or potential employees who have particular needs or who are disabled.

In order to ensure that all employees and potential employees are treated with equality and fairness at all stages of employment, and that their treatment is based solely on objective and job related criteria, the College will ensure that equality issues are embedded into all its policies, practices and procedures.

Support to employees will be available through the Human Resources Team (including reference to independent counselling as appropriate) as well as via normal line management arrangements

6. Equality and Diversity Principles within the Teaching and Learning Code of Practice

The College will aim to make courses accessible to as wide a range of students as possible via increased flexibility, modularisation of programmes, open/distance learning courses and outreach provision in accordance with the philosophy and practice of inclusive learning.

The College will provide impartial careers education, information, advice and guidance (CEIAG) and counselling to all students and ensure that students with learning difficulties and/or disabilities receive appropriate learning support to meet their individual needs.

Support to students will be available at College through a number of sources e.g. through their Progress Tutor, Student Services Team, Learning Support Team, Learning Centre staff or Catering staff to name a few. Specific support will be provided and/or barriers removed where reasonably practicable to enable a student with a difficulty/disability to use particular facilities or services.

7. Scope

The Equality and Diversity Policy covers all members of the College community.

In ensuring that this policy is fully effective and that all College employees and students are fully committed to it, the College undertakes to work locally in partnership with the recognised trade unions, with work-based learning employers, with employees and students in general, in its development and implementation.

It is the responsibility of all staff and students to uphold the College policy on equality.

8. Structures and Management

8.1 The Governing Body and the Principal and Chief Executive, with the help and support of the Strategic Leadership Team, will, in so far as is reasonably practicable, manage the College so that:

- The working environment of all employees, students and visitors is free from discrimination, and that everyone is treated fairly, with dignity and respect;
- There is adequate training, instruction and supervision available to staff they are able to undertake their roles effectively.

8.2 Equality and Diversity Steering Group

The role of this group will be to advise relevant College groups on E&D related matters pertinent to their activities. For example, but not limited to:

ensure the college is up to date with legal aspects of E&D;

- monitor the progress of equality objectives;
- discuss and support curriculum areas in relation to embedding E&D in the curriculum;
- fulfilling the aims, objectives and outcomes of the College's Higher Education Access and Participation Plan;
- coordinate and report on the activities of college wide diversity groups.

This group will have representatives from appropriate teams within the College e.g. Human Resources, Quality Improvement, Student Support, Learning Support, Pastoral Teams and students.

9. Monitoring

The College undertakes to conduct appropriate monitoring of the relevant aspects of staffing and the student body. This will include collecting and disseminating examples of good practice.

Monitoring will be undertaken in accordance with best practice recommendations, particularly from bodies such as the Equality and Human Rights Commission and with regard to data protection principles. The outcomes of such monitoring will be reported on to the Strategic Leadership Team and the Governing Body and will be used to inform future practices.

10. Positive Action

The College undertakes to follow positive action measures allowed by law to rectify disadvantages in employment or education provision.

Positive action, allows the College to:

- provide facilities or services (in the form of training, education or welfare) to meet the particular needs of people from under-represented groups; target job training at particular groups that are under-represented in a particular area of work; encourage applications from groups that are under represented in particular areas of education or work.

Positive action strategies will be kept under regular review, and they cannot be used once the particular needs have been met, or if under-representation no longer exists. We will ensure that when using positive action as a strategy, that it falls within the law.

11. Meeting Our Duties

We will seek to ensure through its core values that we meet our general and specific duties under the Equality Act 2010. The general duty requires Governors, senior leaders, staff and students to have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The Chief Executive/Principal will ensure that regular reports are made to the Governing Body on progress. This will include through Equality and Diversity related topics reports. These reports will inform Governors about the College's position with regard to meeting the requirements of the Equality Act 2010, Public Sector Equality Duty and Human Rights Act 1998.

Other relevant actions/activities will include:

Equality Analysis (impact assessment) of key policies, procedures, plans and proposals will take place (see Appendix 3);

- Governors, staff, students and their sponsors (including work placement providers) will be made aware of our Equality and Diversity Policy and the actions needed for its implementation;
- Staff, students and their sponsors (including work placement providers) will be made aware of the value placed upon equality and diversity and that action will be taken in the event of any breach of the policy;
- Governors and staff will have access to appropriate information, which assists them to plan, implement and monitor actions to carry out their responsibilities under the policy.

The College will also ensure that publicity materials present appropriate and positive messages about equality and diversity.

12. Training

Both compulsory and non-compulsory equality and diversity training programmes will be provided to support the College's commitment to this agenda. This involves everyone, throughout the College (Governors, students and all staff). Promoting equality and diversity will continue to form part of induction for all new staff and students. Training events for all will be publicised and participation monitored as part of the College's quality review of staff and student development.

13. Complaints

Any student, potential student, job applicant or member of staff may raise, either informally or formally, complaints of unfair and/or discriminatory treatment. The College will deal with all complaints fully, promptly and sensitively. In some cases, this may involve initiating other College policies/procedures.

Students

Support for students is available through their Progress Tutor or Student Services. Alternatively, students may seek advice from the HelpZone.

Employees

Complaints from staff can be made via the Harassment and Bullying Policy or the Grievance Policy (details of both of these policies are available in the Staff Intranet or from the HR Team).

Support for staff is available through the HR Team as well via normal line management arrangements.

14. Publicising Our Policy and Progress

The College's commitment to equality and diversity will be highlighted in its website, all major publications.

Appendix 1

Legislative Framework

Key legislative requirements relating to equality are identified in the following:

Equality Act 2010

The Equality Act 2010 simplifies the current equality and diversity laws and puts them together in one piece of legislation. From October 2010 all the laws about discrimination were put in one place following the reduction of nine major pieces of legislation*, and around 100 statutory instruments into a single Act.

*age, gender, race, disability, sexual orientation, religion or belief and gender reassignment (gender identity)

Protected Characteristics

The Act identifies nine protected characteristics; these are Age, Disability, Gender, Gender Reassignment, Race, Religion or Belief *, Sexual Orientation, Marriage and Civil Partnership, and Pregnancy and Maternity. An individual may have a number of these protected characteristics.

* individuals who have no religion or belief are entitled to the same protection as those who have religion or belief

The Equality Duty which arises from the Act creates a single framework which outlaws discrimination against individuals and this includes:

- direct discrimination, including by association or perception
- indirect discrimination
- discrimination arising from disability
- harassment
- victimisation

Due Regard

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- i. remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- ii. take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- iii. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity where participation is low.

Enquiries about Disability and Health

The Act brings in new provisions which limit the circumstances when job applicants can be asked about their health prior to the job being offered. The allowed circumstances are, using health questions to:

- i. decide whether there is a need to make any reasonable adjustments for the person in the selection process
- ii. decide whether an applicant can carry out a function that is essential to the job
- iii. monitor diversity among people making applications for jobs
- iv. take positive action to assist disabled people
- v. assure the employer that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Reasonable adjustment

The Act reinforces the duty to provide reasonable adjustments extending physical features of premises to any provision, criterion or practice such as altering the physical environment, working hours or working arrangements. This is a **positive** duty which means employers/learning providers are required to take active steps in order to reduce disadvantage.

Pay

• Equal Pay

The Equality Act allows for claims of direct pay discrimination to be made without reference to a **real** comparator if evidence can show that a hypothetical person of the opposite sex would receive better remuneration.

• Pay Secrecy

The Act makes it unlawful for employers to prevent employees from discussing pay in order to establish if differences in pay exist that are related to protected characteristics. An employer can require employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

Extension of employment tribunal powers

Tribunals can now make recommendations to an organisation that steps are taken to eliminate or reduce the effect of discrimination on employers, not only the claimant.

The Equality Act 2010 (Specific Duties) Regulations 2011

The specific duties support the Public Sector Equality Duty which was introduced under section 149 of the Equality Act 2010 and came into force on 5 April 2011. The specific duties require the College to publish relevant information demonstrating their compliance with the Equality Duty.

Further legislation

Rehabilitation of Offenders Act 1974

Human Rights Act 1998

Marriage (Same Sex) Act 2013

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
(Amendment) Regulations 2002

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Racial and Religious Hatred Act 2006

Forced Marriages (Civil Protection) Act 2014.

Public Sector Bodies (Websites and Mobile Applications) (No 2) Accessibility
Regulations 2018

This policy is also underpinned by:

HM Government – Working for Lesbian, Gay, Bisexual and Transgender Equality:
Moving Forward - March 2011

HM Government – Advancing transgender equality: a plan for action - December
2011

Note: Disability, Gender and Race Equality Duties

The Disability, Gender and Race Equality Duties are subsumed within the Equality
Act 2010 Public Sector General and Specific Duties.

Appendix 2

Glossary of terms

Age

The Act applies to people of any age and it is discrimination to treat anyone differently on the grounds of their age.

Disability

Under the act a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. There are no impairment categories which were included in the Disability Discrimination Act. Under the Act a claimant does not have to show that their impairment affects a particular capacity such as mobility, speech, hearing or eyesight.

Discrimination

Direct Discrimination occurs where a person treats another less favourably because of a protected characteristic than they treat, or would treat, others

Discrimination by association

The new definition of direct discrimination also covers cases where discrimination occurs because of a person's association with a particular protected characteristic e.g. parent, partner or child

Discrimination by perception

Protection is also provided where someone is *wrongly thought* to have a particular protected characteristic, e.g. they are mistakenly believed to be gay, and are treated less favourably because of that belief.

Discrimination - Pregnancy and maternity

Defined as unfavourable treatment of a woman because of her pregnancy; unfavourable treatment because she has given birth, including because she is breastfeeding from birth to end of 26 weeks.

Discrimination arising from disability

It is discrimination to treat a disabled person in a particular way that, because of their disability, amounts to being treated unfavourably when the treatment cannot be shown to be justified. For example, if a disabled person is dismissed after a long period of disability related ill health there may be a claim of discrimination 'arising from disability'. For this to occur the employer/learning provider must know, or could reasonably be expected to know, that the person has a disability.

Diversity

Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective educational community and workforce.

Equality

Treating people the same does not create equality of opportunity. Sometimes you have to treat people differently in the first instance in order to give them an equal opportunity to access all areas of life. This may require making specific adjustments in order to aid particular individuals.

Ethnicity

A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics - a shared history which distinguishes it from other groups and a cultural tradition of its own. The expression "ethnic monitoring" is used in reference to groups defined by colour, race or national origin as well.

Gender

The word 'gender' is sometimes used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for 'gender re-assignment' - see below) but 'sex discrimination' and 'gender discrimination' are generally interchangeable.

Gender Identity

Gender identity can be defined as a personal belief of an individual seeing themselves as male or female (or both, or neither).

Gender Reassignment

The definition has changed so that people no longer have to be under medical supervision to be protected by the law. Gender Reassignment continues to cover those who intend to live permanently in a gender other than the one assigned at birth.

Genuine Occupational Requirements

If an employer can show it is necessary for someone to have a particular protected characteristic to do a job, it may not be unlawful discrimination. This is called the occupational requirement exception.

The Equality Act 2010 provides that employers need to show all of the following things for the discrimination to be lawful:

- the requirement is an occupational requirement - it must not be a sham and there must be a link between the requirement and the job
- the employer has a good business reason or a legitimate aim for applying the requirement - the employer can't just say they have a good business reason for applying the requirement, they must be able to show it
- having the requirement is the best way to achieve the employer's aim - the Equality Act says the requirement must be proportionate.

Harassment

Behaviour which is unwelcome or unacceptable and which results in the creation of a stressful or intimidating environment for the victim amounts to harassment. It can consist of verbal abuse, racist jokes, insensitive comments, leering, physical contact, unwanted sexual advances, ridicule or isolation.

Liability

Employers have legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonably practicable steps to prevent it.

Marriage or Civil partnership

The Equality Act 2010 makes it unlawful to discriminate against or treat someone unfairly because they are married or in a civil partnership.

Gay and Lesbian couples are able to register their civil partnerships which gives them many of the same rights as same sex and opposite sex married couples. In particular:

- Same sex couples who register as civil partners have the same rights as married couples in respect of employment rights.
- The Act protects employees who are in a civil partnership, or marriage against discrimination.
- The Act also gives protection from discrimination because of an employee's sexual orientation.
- Recruitment and selection policies must not discriminate on the grounds of civil partnerships, marriage or sexual orientation.

Positive Action

Action measures allowed by law to rectify disadvantages in employment or education provision.

Pregnancy or maternity

This section defines what it means to discriminate because of a woman's pregnancy or maternity, as distinct from her gender, in specified situations outside work. It protects a woman from discrimination because of her current or a previous pregnancy. It also protects her from maternity discrimination, which includes treating her unfavourably because she is breast-feeding, for 26 weeks after giving birth and provides that pregnancy or maternity discrimination as defined cannot be treated as sex discrimination.

Race (includes ethnic or national origins, colour or nationality)

People may define their racial group by their country of birth, their nationality, their skin colour or their ethnic group.

Religion or belief

The term "religion or belief" means any religion, religious belief, or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief. It is important to recognise that the law gives equal protection from discrimination to those who have no religion or belief

Sexual Orientation

Whether a person is attracted to people of their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexuality are also covered by law.

Targets

These can be percentages of underrepresented groups that employers or education providers aim to achieve in the make up of learners and/or their workforce as part of their equality action plan. It is unlawful to use a target as a reason for selecting someone, but it is not unlawful to take steps to get more qualified applicants from particular groups (see 'Positive Action' in Employment Practices section).

Transsexual

See 'Gender Reassignment'.

Victimisation

If a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so or it is suspected that they intend to do so.

Appendix 3

Equality Analysis (EA)

Can be defined as:

A detailed, systematic analysis of the effects of a current or proposed key strategic decision, policy, procedure, plan or practice, to see whether it has, or will have, a differential impact on grounds of, for example, race, disability, gender, age, transgender, sexual orientation or religion or belief.

The intention is to make sure, as far as reasonably practicable, that:

- all policies are developed in full recognition of the diverse needs, circumstances and concerns of the people who will be affected by them;
- the aims and objectives of a policy, the language and terminology used and the intended outcomes do not unwittingly discriminate against any individuals or any groups of individuals.

This means that we will also comply with the general duty which requires all college staff to have due regard to have the need to:

- Eliminate unlawful discrimination
- Eliminate harassment
- Promote equality of opportunity
- Promote positive attitudes

And especially with reference to people with disabilities:

Take account of disabled people's disabilities, even where that involves disabled people more favourably than others.

Lead writers are trained in conducting an equality analysis (against a set of criteria) on policies, procedures, plans, proposals etc. with the assistance of a critical friend.

Policies are normally reviewed after an identified period of time, however if any disadvantage arises to any individual or group of individuals in the application of a policy then the policy will be promptly reassessed to address this.

Gathering Information and Evidence

The sources of information used in an equality analysis vary according to the nature of the policy or procedure being assessed. This has included:

- Any previous equality impact assessment
- Management information and reports
- Satisfaction surveys
- Targeted surveys (about a particular service or policy)
- Evaluations of College services

- Informal feedback schemes (e.g. staff suggestion scheme)
- Information from recognised Trade Unions or the Students' Representatives
- Compliments/Complaints
- Press coverage
- Feedback from interested parties
- Information from formal audits
- Equality and diversity monitoring data
- Workforce monitoring data
- National and local statistics/data
- Published research by national organisations

Consultation with appropriate interested parties is a legal requirement and this will include Trade Unions, special interest groups and, most importantly, people with disabilities.

Outcomes of the EA process: The need to use 'plain' English and to remove acronyms and legal language whenever practical has been identified as essential for lead writers. Where possible, the language has been adapted and where this has not been possible a list of terms and definitions has been produced.