

Equity, Equality, Diversity and Inclusion Policy

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*This procedure may need to be reviewed before the review date stated, to reflect changes in government and other agencies' advice, guidance and legislation

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1. Introduction

City College Plymouth (the 'College') is a leading provider of vocational, professional and technical training in the South West, that strives to provide a learning environment and organisational culture that impacts positively on the health, wellbeing and sustainability of our community, to enable all our students and staff to achieve their full potential.

The term 'College Community' includes all staff, governors, students, parents/carers, volunteers and visitors.

Our vision:

- The learning destination of choice

Our core values:

- Respect
- Ownership
- Integrity

2. Policy Statement

The purpose of this policy is to state the College's policy on Equity, Equality, Diversity and Inclusion and to set out how this Policy is implemented throughout the College Community. [Appendix 1](#) gives information about equality legislation. [Appendix 2](#) provides full details of the college's specific commitments in relation to the nine protected characteristics. [Appendix 3](#) provides information relating to legislation across all equality strands. [Appendix 4](#) gives definitions and brief guidance on Harassment, discrimination and bullying.

City College Plymouth will challenge any form of inequality and discrimination, advancing equality of opportunity and promoting good relations amongst the college community and beyond. The College seeks to ensure that this commitment is reflected in everything that it does and that all Corporation members, staff, students, partners, visitors, contractors and subcontractors working on behalf of the College share this commitment. We promote respect for others through a culture of shared values in behaviour and attitudes and we value, welcome and actively celebrate the benefits that diversity and difference bring to the College and our community.

We celebrate diversity and inclusion and the breaking down of barriers to success

The College is committed to recognising the dignity and unique nature of each individual and will strive to create a safe environment for all, promoting equality of opportunity so that all students and staff can thrive together. Students and staff play a positive role in creating an environment that values and nurtures differences, in which all forms of prejudice, unfair discrimination, bullying and harassment are never tolerated.

We aim to promote an inclusive and welcoming environment that meets the needs of all students, irrespective of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, relationship status and pregnancy. We are committed to ensuring that staff integrate and embed Equity, Equality, Diversity and Inclusion in processes and practices across the organisation.

Tackling inequality through education is essential if we are to achieve a fairer and equal society. City College Plymouth aims to promote a positive and respectful culture in which staff know and

care about students. The College aims to raise awareness of equality and human rights; it will uphold and promote fundamental values to help prepare our students for the challenges work and life in the modern British community will bring. We will underpin the key values of democracy, rule of law, individual liberty, mutual respect and tolerance. Our teaching, learning and assessment will promote equality and celebrate diversity; furthermore, we are committed to challenge all forms of discrimination including but not limited to, Direct and Indirect discrimination, discrimination arising from disability, victimisation, harassment, stereotyping, radicalisation, racism, sexism, homophobia and bullying.

3. Developing the Policy

We consulted with staff, students and stakeholders to ensure that this document is fit for purpose, meeting the needs of the college community and increasing ownership. Comments and feedback have been incorporated into this policy where possible.

We seek the view of students on the Equity, Equality, Diversity & Inclusion objectives and associated action plan on an annual basis to ensure that we are focusing on issues and developments that are relevant and of benefit to the students, mainly through the Student Voice tools.

We will continue to use a variety of methods to consult with staff. We will ensure that staff are regularly updated and invited to comment on our plans to ensure that it remains relevant and addresses any areas of concern.

We will continue to consult with the wider Plymouth community (employers, contractors and key stakeholders) to ensure that all of our partners are aware of our commitments and expectations in relation to equality and diversity.

4. Meeting our Duties

We will seek to ensure that Governors, staff, students and stakeholders are aware of this policy and the Equity, Equality, Diversity & Inclusion Annual Report and the actions needed for its implementation and their own particular responsibilities.

5. Equality and Eliminating Discrimination

At City College Plymouth, we are committed to embedding good practice across all of the protected characteristics. We will aim to eliminate unlawful discrimination and break down institutional barriers before they can affect people. We will aim to remove any barriers that we have not foreseen swiftly and sensitively as soon as they become apparent.

See [Appendix 2](#) for full details of the college's specific commitments in relation to the nine protected characteristics.

[Appendix 3](#) provides information relating to legislation across all equality strands.

6. Harassment and Bullying

We aim to foster an environment in which all members of the college community can work and study effectively. Harassment and bullying is not acceptable, even if it forms part of an isolated incident. The college will eliminate all forms of harassment and bullying should they become apparent.

See [Appendix 4](#) for definitions and brief guidance.

7. Good Practice in Staffing Issues

We will continue to ensure that all current and prospective staff are treated equitably, justly, fairly and without discrimination in their working lives by applying all equalities legislation to our People Management practices.

We will continue to screen our policies for equality impact, as appropriate and will take action where necessary.

Equality of opportunity is promoted through our recruitment procedures including the use of positive action and the monitoring of retention of staff.

8. Training

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

9. Equality Impact Assessments

The college will consider the needs of all individuals (staff, students and visitors) when shaping policy, delivering services and in relation to employment.

We must ensure that our decision-making is robust, transparent and that we have fully considered the impact of our proposal on all equality groups. Having a sound decision making process not only fulfils our statutory requirements but it also ensures that we are better placed to deliver policies and services that are inclusive, efficient and effective.

While the Equality Act does not explicitly require Equality Impact Assessments (EIA) to be conducted, we must consciously consider the three aims of the Equality Duty as part of the process of decision-making. Keeping a record of how we have considered the equality duties via an EIA is a simple way of evidencing that we have complied with the equality duties.

The following principles, (drawn from case law) explain what is essential in order for the Equality Duty to be fulfilled when making decisions:

- **knowledge** – staff need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves staff knowing exactly what is expected of them and how they can achieve the expectations.
- **timeliness** – the Equality Duty **must** be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision.
- **real consideration** – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. We must prove that we have given the proposal serious and rigorous consideration and applied 'due regard.' We must also show that the process has influenced the final decision.
- **sufficient information** – the decision maker must consider what information they have and what further information may be needed in order to give proper consideration to the Equality Duty.

10. Publicity and Awareness of the Equity, Equality, Diversity and Inclusion Policy

The college will ensure that all staff, students' visitors, stakeholders, contractors and suppliers are made aware of this policy. Reference to the Policy will be incorporated within staff and student handbooks. The Policy will be drawn to the attention of students and staff at induction. The college will continuously develop its methods of publicising the policy to students.

11. Positive Action to Promote Choice, Opportunity and Progression

We will continue to ensure equality of access to the delivery of our programmes of learning. We will ensure that all members of the college community can learn, teach, train and succeed in a mutually supportive environment.

We will also continue to ensure equality of access to employment using positive action where appropriate and within the scope of the Equality Act 2010.

12. What happens if the Policy is not adhered to?

The College will not tolerate behaviour which breaches its policy and will initiate action which may be of a disciplinary nature (where appropriate) against those who do not meet the standards of behaviour required.

Behaviour that includes:

- Acts of wilful, unfair and unjustified discrimination, victimisation, harassment or bullying against members of the College community.
- And /or acts of discrimination, harassment, victimisation or bullying by contractors, visitors to the College, members of the college community or members of the public.

13. Implementation

Marketing

All marketing, display and course information will promote equity, equality, diversity and inclusion and is free from explicit or discriminatory material and promotes a positive image.

Learning and Teaching

- Staff producing teaching and learning materials will ensure that they are in line with College expectations and where required support is accessed by either their Line Manager, Learning, Teaching and Innovation Officer, Coaches and or the equity, equality, diversity and inclusion committee.
- Written entry criteria and procedures will be free from any form of negative discrimination.
- Impartial guidance will be provided for all applicants to ensure their placement on courses that offer them success and progression
- The curriculum will meet the needs and reflect the diversity of our students and communities and students will be enrolled based on ability, aptitude and suitability for the course.
- All assessment strategies and materials will be fair and reliable.

Personnel

- The recruitment procedure for staff appointments will actively support equality of opportunity from the start of the recruitment process.
- As part of their induction, all staff will be made aware of their responsibility to be familiar with all College policies and that failure to do so may result in disciplinary action.
- As part of their induction all staff will be made aware that harassment will not only be a breach of College regulations but may also be a breach of civil or criminal law.
- Line Managers will demonstrate a commitment to accommodate staff preferred work patterns, where the business need for that area allows.

Procedures

- Advice and guidance will be available for the alleged victims of harassment, discrimination, prejudice, racism and abuse, including guidance on opportunities for action and seeking redress.
- Student informal complaints and concerns are to be referred to the Student Experience Manager and curriculum managers.
- Staff informal complaints and concerns will be monitored by their line manager and People Management
- Formal Complaints and concerns by students will be monitored by the Executives and form part of the annual review of formal complaints.
- The College Grievance Policy and Harassment Policy (details of both these policies are available on Staff Central and from People Management) outlines the procedure for staff wishing to raise a complaint or concern.
- Support to staff is available through People Management as well via normal line management.

14. Roles and Responsibilities

Each member of the College community is responsible for following and supporting this policy. The guidance applies to all staff, students, governors, contractors, volunteers and visitors. We expect all members of our college community to follow our vision and values for equality, diversity and British Community values.

The College's Corporation

The College's Corporation is the responsible body for ensuring that City College Plymouth complies with the Equality Act 2010. Corporation members are responsible for their behaviour, oversight of the management and conduct of the College's Equity, Equality, Diversity and Inclusion policies and for the advancement of Equity, Equality, Diversity and Inclusion within the organisation. They will:

- set and maintain strategic direction for equality, diversity, British and Community values
- monitor performance and targets through regular reports and respond to recommendations on how the Corporation and its Committees should ensure that Equity, Equality, Diversity and Inclusion issues and policies are implemented and monitored appropriately.

- undertake training relating to Equity, Equality, Diversity and Inclusion.

Students

Students are responsible for their behaviour and attitudes and must abide by the College Code of Behaviour and Conduct, and Equity, Equality, Diversity and Inclusion Policy.

All students will:

- undertake a student induction led by a member of the teaching team for their course. Equity, Equality, Diversity and Inclusion forms a key part of the induction programme and sends clear messages to students that discrimination, harassment, bullying and victimisation will not be tolerated
- engage in the tutorial process where issues of Equity, Equality, Diversity and Inclusion will be discussed
- challenge or report any incidents involving Discrimination, Harassment, Bullying and Victimisation, inside or outside the learning environment
- treat everyone with respect, fairly and with understanding.

Executive Leadership Team

The Executive Leadership Team has overall operational responsibility for Equity, Equality, Diversity and Inclusion, British and Community values through:

- proactively championing equality, diversity, British and Community values
- carrying primary responsibility for ensuring all aspects of this policy are carried out effectively
- ensuring that measurable equality targets are set to accomplish the duties of the legislation
- ensuring regular reports and recommendations are made to the Corporation who will monitor progress and performance.

Staff

Staff are responsible for their behaviour and attitude and for the advancement of Equity, Equality, Diversity and Inclusion both in their learning environments, work areas and on all areas of college estate. All staff will:

- attend, a college staff induction and complete all mandatory training associated with Equity, Equality, Diversity and Inclusion
- undertake additional Equity, Equality, Diversity and Inclusion training where appropriate to their role
- challenge Discrimination, Harassment, Bullying and Victimisation
- report all incidents involving College students or staff where discrimination, harassment, bullying or victimisation has occurred relating to the protected characteristics of others, be this on or off College premises
- intervene where they feel this does not put them at personal risk/harm.

Delivery and Support Teams

Course teams, programme areas, Student Journey and the College as a whole are responsible for implementing and monitoring the progress of all students, particularly those with protected characteristics and taking appropriate action to advance Equity, Equality, Diversity and Inclusion. Delivery and support teams will:

- take every opportunity to embed Equity, Equality & Diversity into curriculum delivery
- deliver tutorial workshops that challenge students

Workshops cover issues such as:

1. physical assault against a person or group because of their race, ethnicity, nationality, disability, religion, sexual orientation or gender
2. use of derogatory names, insults and jokes
3. racist, sexist, homophobic or discriminatory graffiti
4. provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia
5. bringing discriminatory material into College
6. verbal abuse and threats
7. incitement of others to discriminate or bully due to victim's race, disability, gender or sexual orientation
8. promote Behaviour and Attitudes that foster a culture of respect and a sense of community
9. raise awareness of issues around radicalisation and extremism as part of the PREVENT duty.

Equity, Equality, Diversity and Inclusion Committee

The Equity, Equality, Diversity and Inclusion Committee has a responsibility for raising equality and diversity awareness. The Committee meets on a monthly basis and welcomes all staff and students. The committee will discuss any issues that may arise and ideas and suggestions to promote the Equity, Equality and Diversity and Inclusion agenda.

External Partners

External partners with which the College works must comply with the College's Equity, Equality, Diversity and Inclusion Policy and share the College's commitment to Equity, Equality, Diversity and Inclusion, as set out in its Vision and Value Statement. External partners must ensure they have appropriate policies and procedures in place regarding Equity, Equality, Diversity and Inclusion. When drawing up agreements or contracts with external partners, the College must ensure that external partners are made aware of the College's Equity, Equality & Diversity & Inclusion policy and must assure itself that the external partner has appropriate policies and procedures in place regarding Equity, Equality, Diversity and Inclusion.

Visitors, Contractors and Subcontractors

Visitors, contractors and sub-contractors must comply with the College's Equity, Equality, Diversity and Inclusion Policy. College staff meeting/employing visitors, contractors and sub-contractors are responsible for making them aware of the College's Equity, Equality, Diversity

and Inclusion Policy. If the visitors, contractors and subcontractors fail to respect the inclusive values of the College, the supervising staff member is to kindly ask them to leave the premises and raise a risk proof incident to inform the relevant internal authorities so that the correct investigation can take place.

15. Equality Objectives

Our promotion of Equity, Equality, Diversity and Inclusion is focused through Equality Objectives and an associated Equity, Equality, Diversity and Inclusion Action Plan. The Equality Objectives help the College to maintain an ethos of improvement through identifying priority equality issues:

- promoting equality for our students
- promoting equality for our workforce
- promoting equality in our working practices.

As well as meeting the requirements of the equality legislation to cover age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The progress made towards our Equality Objectives are monitored through our Quality Improvement cycle and reporting framework.

16. Monitoring and Evaluation

The personal data of students and staff are collected and used in line with GDPR.

Course teams and programme areas monitor enrolment, retention, achievement and success data at appropriate points throughout the academic year. They evaluate this data in their Programme Performance Review, Curriculum Quality Review Panel and self-assessment reports and where there are differences in the data for different groups of people, identify actions to eliminate these differences. The actions are then included into quality improvement plans and monitored regularly.

The Leadership team will evaluate the full range of data in the College's self-assessment report and identify actions to eliminate these differences. These actions are inserted into the College quality improvement plans and are monitored regularly. The College will also regularly measure, review and reinforce the effectiveness of the Equity, Equality, Diversity and Inclusion Policy through:

- the Equity, Equality, Diversity and Inclusion Annual Report
- staff and student surveys and data analysis
- formal complaint monitoring
- reporting to governors
- collecting and sharing examples of good practice through TLA forums. · Strategic plan/Operational Plan monitoring activities
- mandatory training statistics – Safeguarding, Equity, Equality & Diversity, Prevent, Health & Safety and additional CPD related to Equality / Diversity
- the Equity, Equality, Diversity and Inclusion Committee.

17. APPENDICES

Appendix 1 – Legislative Framework

The Equality Act 2010

The Equality Act 2010 provides the key legislative requirements relating to Equality, Diversity and Inclusion. Within this piece of legislation, nine protected characteristics*. The Act outlaws unfair discrimination against an individual because of a protected characteristic and includes the following types of discrimination:

- **direct discrimination** - when you treat a person less favourably than you treat another person because of a protected characteristic
- **indirect discrimination** - when a practice has the effect of putting people sharing a protected characteristic within the general group at a disadvantage
- **harassment** – when someone behaves in a way that creates an offensive, hostile, degrading, humiliating or intimidating environment for a person
- **victimisation** - if you treat someone badly because they have been involved in a claim or complaint about discrimination
- **discrimination arising from disability** - when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment
- **failure to make reasonable adjustments** – when an organisation fails to make reasonable adjustments for a person with disabilities to avoid the disabled person being placed at a substantial disadvantage compared to a person without disabilities.

*The Equality Act and its public sector duties cover all nine protected characteristics:

1. Age
2. Sex
3. Disability
4. Gender Identity
5. Race
6. Religion & Belief
7. Sexual Orientation
8. Marriage and Civil Partnership
9. Pregnancy and Maternity

The public sector equality duty requires public bodies to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

Gender Pay Gap Information Regulations 2017

The College continues to publish gender pay gap information within its Equity, Equality, Diversity and Inclusion Annual Report. Since March 2018, as part of the Public Sector Equality Duty, the College has published its gender pay gap data together with a written statement on the public-facing College website.

The Public Sector Equality Duty

Came into force in April 2011 (s.149 of the Equality Act 2010). Each year, as part of this duty, the College publishes a report that summarises and demonstrates:

- the extent to which the advancement of Equity, Equality, Diversity and Inclusion is evident within our College
- our strong commitment to a culture of fairness, tolerance and respect · our pledge to provide inclusive educational provision that respects and responds to the diverse needs of our local community
- the progress we have made towards our equality objectives

The Counter Terrorism and Security Act 2015 and the Prevent Duty

This places a duty on the College to have "due regard for the need to prevent people from being drawn into terrorism" and to challenge vocal or active opposition to fundamental British and Community values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

We recognise that we play a vital role in keeping our students safe from harm, including from the risks of extremism and radicalisation. College staff are expected to exemplify key British and Community values within their general behaviours, leadership and management. Promoting key values of our society alongside building students' confidence to both question and challenge extremist beliefs and ideologies will help to develop resilience.

All staff are required to undertake mandatory training linked to the Prevent Duty, Staying Safe and College Guidance on the Lockdown Procedure.

Appendix 2 – Our Equalities Commitments

Sex Equality Commitments

We are committed to:

- eliminating unlawful discrimination, harassment and victimisation on the grounds of sex
- advancing equality of opportunity and fostering good relations between men and women
- addressing the causes of any gender pay gap
- gathering and using information on how the college's policies and practices affect sex equality in the workforce and in the delivery of services to students and staff
- consulting with stakeholders and taking account of relevant information in order to determine sex equality objectives
- assessing the impact of current and proposed policies and practices on sex equalities.

Race Equality Commitments (also includes ethnic or national origins, colour or nationality)

We are committed to:

- eliminating unlawful discrimination, harassment and victimisation relating to race, ethnic or national origin, colour or nationality
- advancing equality of opportunity
- fostering good relations between persons of different racial or ethnic groups, national origins or nationalities
- putting in place arrangements for implementing this policy, publicising its contents and the results of its monitoring and effectiveness
- assessing the impact of its policies on students and staff of different racial groups, ethnic or national origins, colour or nationality.

Disability Equality Commitments

We are committed to:

- eliminating discrimination harassment and victimisation of disabled persons that is related to their disability, including treating a person unfairly due to disability related sickness absence
- advancing equality of opportunity for disabled people.
- fostering good relations
- promoting positive attitudes towards disabled persons
- encouraging participation by disabled persons in public life
- ensuring that all reasonable adjustments are made in accordance with the Equality Act 2010
- taking steps to take account for persons' disabilities, even where that involves treating disabled persons more favourably than other persons
- gathering and using information on how the College's policies and practices affect the educational opportunities available to, and on the achievements of, disabled students and staff.

Age Equality Commitments

We are committed to:

- advancing equality of opportunity for people of all ages.
- fostering good relations
- eliminating discrimination harassment and victimisation related to age
- creating a working environment underpinned by fair and equitable practices and procedures in which all members of the community can feel comfortable
- actively tackling age discrimination whether overt, covert or by omission

- eliminating any criterion, provision or practice that disadvantages people of a particular age, unless it can be objectively justified.

Sexual Orientation Equality Commitments

We are committed to:

- advancing equality of opportunity for people of all sexual orientations
- fostering good relations
- eliminating discrimination, harassment and victimisation related to sexual orientation
- working with other institutions, local communities and other partners to eliminate discrimination based on a person's sexual orientation and to encourage and promote good practice.

Gender Identity Equality Commitments

We are committed to:

- advancing equality of opportunity for transgendered people
- fostering good relations
- embedding systemic action to eliminate discrimination, harassment and victimisation related to gender identity
- promoting gender identity equality widely and consistently alongside other equality strands
- working with other institutions, local communities and others to tackle gender discrimination and to encourage and promote good practice
- ensuring that a person who is undergoing gender reassignment is entitled to use the facilities (including toilets and changing areas) that are appropriate for their own gender identity. The wishes of the person undergoing gender reassignment will be taken into consideration in all cases.

Faith, Religion or Belief Equality Commitments

We are committed to:

- advancing equality of opportunity for people of different religions or beliefs
- fostering good relations
- eliminating discrimination harassment and victimisation related to religion or belief
- actively tackling discrimination regarding religion or belief, whether overt, covert or by omission and promoting equality
- eliminating religious harassment (unwanted behaviour based on religion, which includes proselytising i.e. seeking to convert others to a particular religion or sect)
- working with other institutions, local communities and others to tackle discrimination regarding religion or belief and to encourage and promote good practice
- providing a quiet / prayer room facility for use by all faiths and none.

Pregnancy and Maternity equality commitments

We are committed to:

- advancing equality of opportunity for women who are pregnant or have given birth in the last 26 weeks or are breastfeeding (including a female student of any age)
- fostering good relations
- eliminate discrimination harassment and victimisation related to pregnancy and maternity.

Marriage & Civil Partnership

We are committed to:

- Treat civil partners in the same way as married people in employment and training. Any benefits given to married staff will also be offered to civil partners, including flexible working, statutory paternity pay, paternity and adoption leave, health insurance and survivor pensions.

Appendix 3 – Legislation

The Equality Act 2010

The Equality Act updates, simplifies and strengthens the previous equality legislation. It covers employment, facilities, goods, services and education, including the admission and treatment of learners.

The Act makes it unlawful to discriminate against people based on nine protected characteristics

Age

The act defines age by reference to a person's age group. An age group can be:

- people of the same age or a range of ages
- wide such as 'people under 25'
- narrow such as people born in 1976
- relative such as 'a person older than me' or 'younger than me'
- linked to an actual or assumed physical appearance.

Disability

A person is a disabled person under the Act 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 is no need for the person to have a medically diagnosed cause for their impairment. What matters is the impairment and not the cause.

Colleges have a duty to make reasonable adjustments for people with disabilities, and cannot unlawfully discriminate, harass or victimise you because of your disability.

Gender reassignment

Gender reassignment is defined as a personal rather than a medical process which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

A person will be protected because of gender reassignment where they:

- make their intention known to someone
- propose to undergo gender reassignment surgery (even if it is not completed)
- on starting gender reassignment surgery
- start or continue to dress, behave or live according to their gender identity
- undergo any treatment related to gender reassignment
- receive gender recognition under The Gender Recognition Act 2004.

Trans Equality

A transsexual person is someone who proposes to, starts or has completed a process (or part of a process) to change his or her sex from their 'birth' sex. This process can be referred to as 'Gender Reassignment'. Transvestites (sometimes known as 'cross-dressers') are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex and, therefore, are not protected by The Equality Act. However, they would be protected from direct discrimination and harassment if this were experienced because someone thinks that they are transsexual, even if that is not the case.

The college is committed to preventing discrimination and harassment, in addition to advancing and promoting equality for Trans persons. This commitment extends to individuals that are perceived to be Trans when in fact they are not (discrimination by perception), and to individuals that are associated with a Trans person (discrimination by association).

Marriage and Civil Partnership

Marriage and Civil Partnership is the legally or formally recognised union of two people as partners in a personal relationship. Same-sex couples can have their relationships legally recognised as 'civil partnerships' and be legally married. Civil partnerships and same sex marriages must be treated no less favourably than heterosexual married couples.

All staff are protected against discrimination on the basis of marriage or civil partnership. However, being married or in a civil partnership is not a protected characteristic for Further Education colleges.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this includes treating a woman unfavourably because she is breastfeeding.

Race

The Act defines race as a person's:

- Colour
- Nationality
- Ethnic or national origin
- Racial group – a group of people that share a colour nationality or ethnic or national origin.

Religion or belief

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. For a religion to be protected it must have a clear structure and belief system.

Belief means any religious or philosophical belief and includes lack of belief. For a belief to be protected under The Equality Act:

- it must be genuinely held
- it must be a belief and not an opinion or viewpoint based on the information available at the moment
- it must be a belief as to a weighty and substantial aspect of human life and behaviour
- it must attain a certain level of cogency, seriousness, cohesion and importance
- it must be worthy in a democratic society
- it must be compatible with human dignity and not conflict with fundamental rights or others.

Sex

Unlawful sex discrimination happens when someone is treated unfairly because of their gender. Women, men and transsexual people can all experience sex discrimination.

Sex discrimination also includes treating someone less favourably because they are married or in a civil partnership: for example, by not hiring married women.

Sexual Orientation

The law protects people from discrimination on the grounds of sexual orientations towards people of the same sex, people of the opposite-sex, or people of both sexes. This means they protect lesbian women, gay men, bisexual people and heterosexual people in employment, services, and education.

Positive action provisions

Learners with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions, which enable education providers to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular student group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) education providers to take proportionate action to remedy the disadvantage faced by particular groups of learners. Such action could include targeted provision, resources, or putting in place additional or bespoke provision to benefit a particular disadvantaged student group.

It is never unlawful to treat disabled learners (or applicants) more favourably than non-disabled learners (or applicants).

Law allows employers to take positive action to help redress any imbalances that may have arisen in the workplace because of past discrimination or disadvantage. The aim of positive action is to ensure that people from previously excluded groups have the opportunity to compete on equal terms with other applicants.

Appendix 4 - Harassment, Discrimination and Bullying

Harassment

The Equality Act 2010 states that there are three types of harassment that are unlawful:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a person because they submit to or reject sexual harassment or harassment related to sex.

Harassment occurs when a person is subjected to unwanted behaviour, which is related to one or more of the protected characteristics, which has either the purpose, or the effect of:

- Violating a person's dignity.
- Creating an intimidating, hostile, degrading or offensive environment.
- Unwanted, unwelcome or uninvited behaviour.

A person does not have to say that they object to the behaviour for it to be unwanted.

Behaviour associated with harassment can take many forms and is defined as unwelcome physical, verbal or non-verbal conduct. (See table below for examples)

Harassment related to a protected characteristic

Harassment related to a relevant protected characteristic means harassment based on: Age, disability, gender, gender identity, sexual orientation, race, and religion or belief.

Related to, means and includes situations where people who are subjected to the unwanted behaviour do not share the protected characteristic themselves but there is a connection between the behaviour and the protected characteristic.

For example:

A student might complain of harassment, in a classroom setting, because a member of staff comments that 'all men are useless', even if the comments were not directed at that student.

Sexual Harassment occurs when a person is subjected to unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It is also unlawful to treat a person less favourably because they either submit to or reject sexual harassment or harassment related to their sex.

See table for examples of unwanted behaviour of a sexual nature.

Behaviour	Example	Sexual nature
Including but not limited to:		
Physical	Assault, pushing, standing too closely, intimidating stance, threats of violence.	Inappropriate touching, sexual assault, coercion of sexual acts.
Verbal	Shouting, emails, phone conversation, text message, comments, jokes.	Sexual jokes, emails, comments.
Non verbal	Hostility, display of offensive pictures and photographs.	Pornographic photographs or drawings,

All members of the college community, staff and students alike, by their own behaviour and their response to others, are legally responsible for helping to ensure that individuals do not suffer any form of harassment and that they are encouraged and supported in making complaints.

Difficulty in deciding what constitutes harassment should not deter anyone from complaining of behaviour that they find offensive or distressing. The college will, however, take wilfully false allegations very seriously and may take disciplinary action as a result.

The Equality Act states that it is not necessary for a person to immediately say that the behaviour that they object to is unwanted for the behaviour to be construed as harassment.

Some behaviour, that causes offence or distress, may be conscious or deliberate or may arise from thoughtlessness or insensitivity. In either case, the person causing harassment should be given a clear signal that his or her behaviour is unacceptable. This may be done directly or through a suitable third party. No one should be deterred from complaining of behaviour, which distresses him or her, by embarrassment, intimidation or fear of publicity. The need for confidentiality will be respected wherever possible.

Bullying is unjustified and inappropriate behaviour which is threatening or humiliating.

Discrimination is any action, which deprives an individual of rights or opportunities. It may be either direct or indirect, by association, or by perception.

Direct discrimination occurs when you treat a person less favourably than you treat (or would treat) another person because of a protected characteristic and this is done deliberately or unjustifiably.

Discrimination based on association also occurs when you treat an individual less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

This might occur when you treat a student less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination based on perception also occurs when you treat someone less favourably because you mistakenly think that they have a protected characteristic (other than pregnancy and maternity).

Discrimination because of pregnancy and maternity is the treatment of a woman less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger. It is direct sex discrimination to treat a woman less favourably because she is breastfeeding a child, who is more than 26 weeks old.

Discrimination arising from disability is treating a disabled person unfavourably because of something connected with their disability when this cannot be justified, and failing to make reasonable adjustments for disabled people.

Indirect discrimination occurs when you apply an unjustifiable provision, criteria or practice in the same way for all people or a particular group of people, but this has the effect of those people who share a protected characteristic within the general group, being subject to a particular disadvantage. It does not matter that you did not intend to cause a disadvantage with a particular protected characteristic. What does matter is whether your action does or would disadvantage people compared with people who do not share that characteristic. 'Disadvantage' within the College could mean denial of an opportunity or choice, deterrence, rejection or exclusion.

Indirect pregnancy and maternity discrimination are not covered under the equality act although it could be included in the definition of direct sex discrimination.

Institutional Discrimination is the collective failure of an organisation to provide an appropriate and professional service to people because of their protected characteristics.

Victimisation occurs when someone is treated badly because they have made/supported a complaint or grievance under the Act.

Diversity is about acknowledging, respecting and valuing differences between individuals and groups of people.

Equality is about making sure people are treated fairly and given fair chances. Equality is not 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.

Reasonable Adjustment is the duty to make reasonable adjustment and comprises three requirements. For education providers, these requirements are to take reasonable steps to:

- avoid the substantial disadvantage where 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.

Appendix 5 Internal Supplementary Documentation

- Adoption Leave Policy
- Challenging Behaviour Guidelines
- Data Protection Policy
- Flexible Working Policy
- Gender Pay Gap Report
- Grievance Policy
- Harassment Policy
- Maternity Leave Policy
- Menopause Policy
- Multi Faith Prayer & Contemplation Room Use Guidelines
- Paternity Leave Policy
- Sexual Harassment Policy
- Staff Anti Bullying & Harassment Policy
- Student Anti Bullying & Harassment Policy
- Staff Code of Conduct
- Staff Disciplinary Policy
- Student Disciplinary Policy
- Talkback Procedure
- Whistleblowing Policy and Procedure