

COLLEGE POLICIES AND PROCEDURES

EQUALITY POLICY

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Policy written by	MAB	Risk Register Area (s)	A, B, C, D, C, E, F, G, H
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Introduction

Equality and Diversity Statement

At KGV we celebrate having a diverse mix of staff and learners. Diversity is embraced and seen as an asset with staff and learners from minority groups welcomed and appreciated. We are committed to inclusivity, equality and diversity and to challenging behaviour and practices which threaten our inclusive environment. This approach underpins all we do as an institution with the college's quality assurance procedures and methods starting from and holding to this premise.

Furthermore, as we prepare our students for life in the diverse and multi-cultural society that is 21st Century Britain we aim to foster good relations between people who share certain characteristics and those who do not. To this end, the active promotion of equality and diversity and the tackling of discrimination are very high priorities for the college.

Two specific duties - publishing requirements introduction:

The specific duties require public bodies to:

1. publish relevant, proportionate **information** demonstrating their compliance with the Equality Duty's three aims of:
 - i. **eliminating unlawful discrimination, harassment and victimisation**
 - ii. **advancing equality of opportunity between people who share a protected characteristic and those who do not**
 - iii. **fostering good relations between people who share a protected characteristic and those who do not**
2. Set and publish one or more specific, measurable **equality objective(s)** by 6 April 2012 and, subsequently, at least once every four years.

Protected Characteristics

The Act identifies nine protected personal characteristics; these are:

Gender/ sex	Age	Disability
Gender Reassignment	Race	Religion or Belief
Sexual Orientation	Marriage and Civil Partnership	
Pregnancy and Maternity		

Any individual may have a number of these personal characteristics.

1. Purpose of the Policy

The purpose of this policy is to establish clear College guidance regarding equality and to establish key principles, structures and monitoring arrangements for the College. The guidance will be applicable to Governors, senior managers and all employees and students in the College, contractors, volunteers and visitors.

The College will regularly measure, review and reinforce the effectiveness of the policy through measuring how well we are meeting the Equality Duty's three main aims of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations. Our progress as a public body can be monitored and measured through the following:

Publishing annually: relevant, proportionate information demonstrating compliance with the Equality Duty's three main aims (statutory requirement). Setting and publishing one or more measurable equality objectives at least once every four years (statutory requirement)

- ✓ The Cycle of Self-Assessment
- ✓ Staff and student surveys and data analysis
- ✓ Collecting and disseminating examples of good practice
- ✓ Monitoring activity including student value added data from certain groups
- ✓ Monitoring cross college promotion of equality and diversity

2. Key Principles

The College believes 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 against whom they are directed, we aim to tackle the issues specific to discrimination on the grounds of: age, disability, gender, transgender, race, religion and other beliefs, sexual orientation, marriage and civil partnership, pregnancy and maternity.

3. Equality Principles within the Employment Code of Practice

The College embraces diversity in all of its aspects and aims to employ a workforce, which reflects, at every level, the community, which it serves. 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 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 as well as via normal line management. We will measure our success and analyse its impact in our annual Equality Information.

4. Equality 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 in accordance with the philosophy and practice of inclusive learning.

The College will provide impartial careers information, advice and guidance (CIAG) to all students and ensure that learners receive proportionate and appropriate learning support to meet their individual needs.

Support to students will be available through their Progress Coach. Alternatively, students may seek advice from the College Counselling Service. 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. In essence, we should always consider individual student needs and how these can be best met, based on the premise that we respect and understand the diverse backgrounds of our students.

5. Structures

The Governing Body designates a senior leader as having overall responsibility for equality issues. The senior leader will ensure regular reports are made to the Corporation on progress against our Equality Objectives and any issues raised through our annually published Equality Information. Both these measures provide/ depend upon data by which we can assess our Equality progress with our students and in terms of staff profile.

The College Equality and Diversity Strategy Group chaired by a senior middle leader, will, when appropriate, include representation from a diverse range of people, including students, teaching staff, support staff and managers.

The remit of the Group is to promote policies and practices that ensure a College environment in which equality flourishes. To this end, it will encourage and support the development of policies, practices and procedures related to the curriculum, student intake, the built environment and student services, which seek to ensure a culture in which we celebrate having a diverse mix of staff and learners. Such diversity is an asset and staff and learners from minority groups are welcomed, appreciated and respected.

The Group will periodically receive equality audits of employment practices, to include, for example: recruitment, selection, training and promotion practices, pay, grading and termination procedures.

6. Monitoring

The College undertakes to conduct comprehensive and effective monitoring of all aspects of staffing and the student body. Monitoring will be undertaken in accordance with best practice recommendations. The outcomes of such monitoring will be reported to the Senior Leadership Team and the Governing Body either individually or as part of a wider report e.g. Human Resources reports.

7. Employment

The College will use the two main forms of monitoring, i.e. of the composition of the existing workforce and the recruitment and selection process, looking at the workforce with reference to age, race, ethnicity, disability and gender, in particular. The College will also categorise staff according to grade; contract type, i.e. whether full-time or part-time, permanent or temporary; length of time in post and salary. Records will also be kept of training, performance reviews, promotions, re-gradings and discretionary pay awards.

After the employment relationship has ended, the College may retain statistics; data about the composition of the workforce, including appraisal and promotion records for the purpose of carrying out equality and diversity monitoring, and may also look at reasons for resignation and resignation rates.

8. Students

The College will monitor all students and potential students in order to inform the setting of targets and the measurement of progress in achieving them. For example, in:

- Applications, success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Work placements including success rates, satisfaction levels and job offers
- Additional Learning Support
- Progression
- Disciplinary action
- Complaints by students

9. Positive Action

The College undertakes to follow positive action measures allowed by law to rectify disadvantages in employment or education provision revealed by monitoring. 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 must be kept under regular review, and they cannot be used once the particular needs have been met, or if under-representation no longer exists. The College will ensure that when using positive action as a strategy, it falls within the law.

10. Meeting Our Duties

The College will seek to ensure through its core values that:

- Governors, staff, students and their sponsors (including work placement providers) are aware of our Equality Policy and the action needed for its implementation;
- Staff, students and their sponsors (including work placement providers) are aware of the value placed upon equality and that action will be taken in the event of any breach of the policy;
- Governors and staff have access to comprehensive 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.

11. Complaints Procedure

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 and sensitively.

Complaints from students should be raised with the student's Progress Coach who will initiate the formal Complaints Procedure, if appropriate. Students can also raise complaints with any member of the college staff whom they find approachable. (The college has a specific procedure for complaints).

Students

Support to students is available through their Progress Coach who will pass on relevant issues to other specialist services both internally and externally, if appropriate. Alternatively, students may seek advice from the Counselling Service. Specific support may be available to enable a student with a difficulty/disability to use particular services or facilities.

Employees

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

12. Publicising Our Policy and Progress

To the public (including learners, work placement providers and staff):

- The College's commitment to equality and diversity will be highlighted in the prospectuses, all major publications including the annual report and annual financial statement.
- The College will publish its Equality Objectives annually in the Quality Manual and, from April 2012 onwards, for wider public consumption through the college website.
- The Equality and Diversity Strategy Group will advise on relevant C.P.D training which is equality and diversity related.
- A summary of the results of monitoring information will be included in the annual report and annual financial statements, where this does not breach individual confidentiality.
- Human Resources Equality Information can be accessed on the College website.

13. Review

This policy will be reviewed in accordance with legislative developments and the need for good practice, using the local consultation/negotiating arrangements within the College.

The next review date is: June 2017.

Appendix 1 - Further guidance on publishing equality objectives and information

In summary, the college needs to:

- publish **information** demonstrating our compliance with the Equality Duty by 31 January 2012 and at least once a year after that.
- publish our **equality objective(s)** by 6 April 2012 and at least once every four years after that.
- decide what **equality objectives** we should set and how many there should be, but they must be SMART (**S**pecific, **M**easurable, **A**ttainable, **R**elevant and **T**ime-bound).

We do not need to publish any more **equality information** than is necessary to demonstrate compliance with the Equality Duty.

The **equality information and objectives** must be accessible to the public, free of charge and easy to understand and use.

It should include what **action** we took as a result of considering the three aims of the Equality Duty rather than how we went about considering them. In addition, public bodies with more than 150 employees must also show how they consciously thought about the three aims of the duty in relation to employees who share protected characteristics.

The **equality information** we publish should provide a reasonable picture of progress on equality issues affecting college service users and employees.

Performance, not process:

- ✓ We should take a proportionate approach, focusing more on equality implications where there may be a substantial effect on certain groups of service users or employees, and less where the potential effect is slight
- ✓ We are not required to treat everyone the same or provide homogeneous services, rather we should think about people's different needs and how these can be met (differentiation)

Publishing Information

Curriculum data (**information**) such as success rates, high grades etc. is disaggregated by certain of the protected characteristics as defined in the Equality Act. As such it is publicly published and accessible annually in the Self-Assessment Review (SAR).

Other **information** may include equality data from external sources such as the census, education or other official statistics, or **equality information** published by similar bodies. If there is a gap in our information or data, it may be helpful to publish the information that is available with an explanation of how the data gap will be filled in future.

Whatever equality information we have drawn on in our decision-making processes, we should reference it and explain what information from it we have used, and why. In the longer term, when making decisions that are likely to affect students and employees it is important to consider the three aims of the Equality Duty by asking:

Does or could the policy or practice offer an opportunity to:

- a) eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- b) remove or minimise disadvantages suffered by people due to their protected characteristics
- c) meet the needs of people with protected characteristics
- d) encourage people with protected characteristics to participate in activities where their participation is low
- e) tackle prejudice and promote understanding between people who share a protected characteristic and others?

Keeping a simple record of how decisions affecting policy and practice were reached will help us evidence how we considered the Equality Duty when making decisions that could affect both service users (students) and employees. Suggested format for subject areas with a focus on students below:

Issue	Data considered	Actions taken/ to be taken
Success rates	Gender Disability Race	
High grades	Gender Disability Race	

Notes on above table:

Column 1 The issues/activities here are for us to choose.

Column 2 **We are not required to collect data on the protected characteristics of our employees**, but may find it helpful to do so. We do not have to consider such data if it is not appropriate.

Column 3 Should include details of policies and programmes that have been put in place, after considering the three aims of the Equality Duty, to address equality concerns regarding students (and within the workforce e.g. information from staff surveys). **Collecting equality information is not an end in itself – it should be analysed, interpreted and used to advance equality and good relations.**

Outlined below are the College’s public Equality Objectives which meet the Equality Duty’s publishing requirements. The Equality Objectives are integral to the College’s mission statement and strategic objectives.

KGV Equality Objectives:

1. The proportion of students recruited from groups with the protected characteristics of gender, disability and race (ethnic origin other than 'white British') to be **at least** in line with local demographic trends
2. Value added data for students with the protected characteristics of gender, disability and race (ethnic origin other than 'white British') to be **at least** at national sixth form college benchmarks.

These objectives will be reviewed annually and, in the case of value added measures, monitored throughout each year's academic cycle.

Appendix 2 - Legislative Framework

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 will be 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

Protected Characteristics

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

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

- direct discrimination
- indirect discrimination
- discrimination arising from disability
- harassment
- victimisation
- failure to make reasonable adjustments in order to accommodate a person's disability.

Changed definitions and other provisions

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 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.

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.

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.

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.

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.

Further legislation

Rehabilitation of Offenders Act 1974

Human Rights Act 1998

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

Disability, Gender and Race Equality Duties

The Disability, Gender and Race Equality Duties remain in place. However the equality duties on the protected characteristics of age, sexual orientation, religion or belief and gender reassignment (also known as transgender) also became law in April 2011.

Appendix 3 - Glossary of terms

Disability

A disabled person is described in the Disability Discrimination Act of 1995 as one who has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Discrimination

The term "discrimination" is used in this document to mean less favourable treatment of an individual on any of the grounds listed in Section 1.1.

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.

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 often 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 Reassignment

Gender re-assignment is a process undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex.

Genuine Occupational Requirements

The Sex Discrimination Act and the Race Relations Act and the Religion or Belief Regulations and the Sexual Orientation Regulations allow for circumstances where a person's sex, racial group, religion or sexual orientation is a genuine requirement for a particular job.

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.

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 the Employment section 10).

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.