

| TITLE: Equality & Diversity Policy | REF: LS014 | VERSION: V4 |
|---------------------------------------------------------------|--------------------------------------------------|------------------------------------------|
| APPROVAL BODY: Corporation | DATE: 01.04.19 | REVIEW DATE: 01.04.2022 |
| LEAD PERSON: Curriculum Director, Applied Learning Foundation | | |
| EQUALITY IMPACT ASSESSMENT: 22.03.19 | | |
| VERSION | REVIEWER/APPROVAL | REVIEW NOTES |
| 1. 01.12.14 | Group Director of HR and OD/FEGP | New Policy |
| 2. 23.11.15 | Group Director of HR and OD/FEGP | Rebranding |
| 3. 18.04.16 | Group Director of HR and OD/FEGP | Rebranding and creating one group policy |
| 4. 26.03.19 | Curriculum Director, Applied Learning Foundation | Review – no changes made |

EQUALITY AND DIVERSITY POLICY

Policy Statement

The Activate Learning group is on an ambitious mission to transform lives through learning by enabling opportunities, creating life chances and generating prosperity for individuals and communities. In achieving this mission, Activate Learning is committed to advancing equality of opportunity, respecting and celebrating difference, eliminating discrimination, harassment and victimisation and fostering good relations.

We strive to create and maintain a working and learning environment in which everyone has the opportunity to participate fully, give of their best and achieve their full potential in a climate free from discrimination or harassment. We will treat all students, staff and others associated with Activate Learning with fairness, respect and sensitivity

It is the policy of Activate Learning to recognise and encourage the valuable and enriching contribution from all who work and learn here and the rights of all individuals who come into contact such as prospective students and job applicants.

All staff, learners and visitors to our campuses have a right to equality of opportunity in accessing employment or services, irrespective of race, disability, gender, gender reassignment, age, nationality, sexual orientation, religion or belief, marital or civil partnership status, pregnancy or maternity status, or socio-economic status, background or class.

We will actively challenge and tackle all forms of prejudice, discrimination and stereotypical attitudes. Any form of discrimination, harassment or victimisation carried out by an individual will be treated as a matter for possible disciplinary action, for more information see the Dignity at Work Policy.

Background

This policy provides the overarching Activate Learning vision, values and commitments in relation to equality and diversity. It has been updated to reflect changes in equality legislation including the Equality Act 2010.

Purpose

We are committed to advancing equality of opportunity, respecting and celebrating difference, eliminating discrimination, harassment and victimisation and fostering good relations between all who work or learn at, or use the services of Activate Learning. We aim to create and maintain a working and learning environment in which all people have the opportunity to participate fully, give of their best and achieve their full potential in a climate free from discrimination or harassment. We recognise that all have a right to equality of opportunity irrespective of race, disability, gender, gender reassignment, age, nationality, sexual orientation, religion or belief, marital or civil partnership status, pregnancy or maternity status, or socio-economic status, background or class. Equality and diversity is central to all that we do, and fundamental to our mission and values.

Our commitment to staff

We will:

- Strive to employ a diverse workforce which reflects the local community and the learner population
- Make clear our expectations and commitments to equality and diversity during the recruitment and selection process and again during induction
- Provide ongoing continuous professional development in equality and diversity, to equip staff to recognise and embed diversity and to challenge any form of discrimination
- Provide reasonable adjustments for staff who are or who become disabled
- Embed equality and diversity throughout workforce practice, for example providing good customer care embedding equality and diversity in teaching and learning and providing a high quality service for all

Our commitment to learners

We will:

- Make clear our expectations and commitments to equality and diversity in our marketing and recruitment materials and events, during the learner and staff admissions processes and again during induction
- Celebrate equality and diversity for example via Activate Learning posters, tutorial activities and celebratory events
- Strive to provide an inclusive teaching and learning environment that is personalised to the individual and which takes account of individual need and cultural backgrounds
- Embed equality and diversity within all aspects of the learner journey from curriculum planning through to marketing our provision, recruiting learners, on-course teaching, learning, assessment tutorial and enrichment activities.
- Strive to provide support services for learners that meet diverse needs, including additional learning support (ALS) tailored to individual needs for learners who require ALS to support their learning and progression

- Provide multiple Learner Voice opportunities for all learners to feed into the development of all aspects of the learner experience.

Our commitment to service users

We will

- Ensure our services are accessible
- Provide clear and meaningful information about our services

Tackling discrimination, harassment and victimization

We will

- Actively challenge and tackle all forms of prejudice, discrimination and stereotypical attitudes
- Deal with all allegations of discrimination, harassment and victimization sensitively and investigate fairly and thoroughly
- Treat any form of discrimination, harassment or victimisation carried out by an individual as a matter for possible disciplinary action (see the Dignity at Work Policy)

Scope

This policy applies to all staff, learners and visitors to our group locations including people using the services on our campuses such as the catering facilities, and those providing an on-site service such as contractors and sub-contractors. All of these groups of people will be expected to adhere to this policy. Where staff or learners are working or studying in locations other than our campuses they will still be subject to the policy. The policy also applies to external contractors, employers and other partners that we collaborate with.

The policy also extends to cover behaviour in the VLE, by email and other social media. Behaviour outside working time and outside our campuses may also fall within the scope of the policy. Breaches of this policy will be taken seriously and may lead to disciplinary proceedings for more information see the Dignity at Work Policy.

Definitions

The Equality Act 2010 introduces the term 'protected characteristic' to refer to aspects of a person's identity explicitly protected from unlawful discrimination. Nine are identified:

- Race
- Disability
- Gender
- Age
- Sexual orientation
- Religion and belief
- Gender reassignment
- Pregnancy/maternity
- Marriage/civil partnership.

In addition, other aspects of a person's identity, background or circumstance can cause them to experience discrimination, for example a person's socio-economic status, class or background. The group is committed to advancing equality and eliminating discrimination on these and other grounds

The Equality Act 2010 identifies the following types of discrimination:

- Direct discrimination, including associative and perception discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- Failure to make reasonable adjustments

The Equality Act 2010 introduced a Public Sector Equality Duty which requires the college to give due regard to:

- eliminating discrimination, harassment and victimisation
- advancing equality of opportunity
- fostering good relations.

'Advance' involves having due regard, in particular, to the need to:

- Remove/minimise disadvantages experienced by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who don't share it
- Encourage persons with a relevant protected characteristic to participate in public life or in any other activities where participation by such persons is disproportionately low

'Foster good relations' includes having due regard to tackling prejudice and promoting understanding

The PSE Duty covers eight of the nine protected characteristics (only the first 'arm' of the new duty, to eliminate discrimination, harassment and victimisation, applies to the protected characteristic of marriage and civil partnerships).

For further definitions see Appendix 1.

Roles and Responsibilities

All staff, learners and service users, including contractors and volunteers, are responsible for following and supporting this policy. Any person can raise, either informally or formally, complaints of unfair and/or discriminatory treatment. Breaches of this policy will be taken seriously and may lead to disciplinary proceedings.

The governing body will:

- ensure that the college strategic plan has a commitment to equality and diversity
- receive and respond to staff and to learner monitoring reports
- agree relevant equality targets and monitor progress towards these

The senior management team will:

- take an active and visible lead in driving forward equality and diversity
- oversee implementation of this policy
- ensure equality and diversity data is embedded within self-assessment reports and development plans
- agree equality targets with relevant managers

The equality and diversity committee will:

- review the policy annually
- monitor its effectiveness and measure its impact
- produce the Annual Equality and Diversity Report
- oversee the implementation of any required developments

All staff will:

- attend regular training opportunities to ensure they understand the principles of this policy and the implications for their job role and responsibilities
- implement the policy in the course of their duties

All students will:

Students are expected to support and follow this policy and will:

- treat everyone with respect and consideration, making them feel welcome
- behave carefully, avoiding swearing, using inappropriate language or saying hurtful or disrespectful things about other people
- report any concerns they have for themselves or others

Monitoring performance

We will actively monitor our performance to ensure we are meeting our commitments. For example, we will gather and use the following information, disaggregated by equality and diversity parameters, to monitor and improve practice

For employment:

- Staff profile
- Grievance records
- Disciplinary records
- Complaints
- Staff progression
- Access to and satisfaction with, staff development opportunities

For learners:

- Recruitment, retention, achievement and success
- Attendance and punctuality
- Enrichment
- Progression
- Learner satisfaction
- Complaints
- Disciplinary records

Outcomes from analysis of the above information will inform self-assessment processes and Activate Learning improvement plans. Regular reports assessing our progress in meeting our commitments and improving practice will be submitted to senior managers and governors together with equality improvement targets.

We will publish annually, on our website, an Equality and Diversity Annual Report that will summarise the outcomes from the above activities and highlight our progress and performance in equality and diversity.

Where sensitive data is used, Activate Learning will always comply with the Data Protection Act (1998) and the Data Protection Policy.

APPENDIX 1

Definitions of Discrimination

The Equality Act 2010 recognises the following types of discrimination:

- Direct discrimination, including associative and perception discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- Failure to make reasonable adjustments

Direct discrimination occurs when someone is treated unfairly, or less favourably than another person, because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice.

The Equality Act 2010 (the Act) extends the definition of direct discrimination to cover association **discrimination**. This is direct discrimination against someone because they associate with another person who has the protected characteristic. The Act also extends the definition of direct discrimination to cover **perception discrimination**. This is direct discrimination against someone because they are perceived to have a protected characteristic.

Indirect discrimination happens when a 'provision, criterion or practice' is applied that appears to affect everyone equally but which in fact puts people who share a protected characteristic at a disadvantage. The Act harmonises the definition of indirect discrimination across protected characteristics (with the exception of pregnancy/maternity). Although pregnancy and maternity are not covered by indirect discrimination, policy and practice that disadvantages pregnant women and new mothers could constitute indirect gender discrimination.

Harassment occurs when someone behaves in such a way that a person's dignity is violated, or behaves in such a way that they create an environment that is offensive, hostile, degrading, humiliating or intimidating for a person, where this is

- related to a protected characteristic (except pregnancy/maternity or marriage/civil partnerships), or
- of a sexual nature (sexual harassment), or
- where a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or to gender reassignment (this is known as 'consequential harassment')

The Act does not specifically cover harassment on the grounds of pregnancy/maternity or marriage/civil partnerships. However, direct discrimination prohibits treatment such as bullying or harassment which results in a person being treated less favourably.

The Act changes the definition of harassment from unwanted conduct 'on the grounds of to' unwanted conduct 'related to'. This subtle change has two benefits. Firstly it will protect people who are offended by conduct even if it is not specifically directed at them. Explanatory notes to the Act provide the following examples:

- A white worker sees a person from a black and minority ethnic background being subjected to racially abusive language, and complains that this has caused her environment to be offensive, even though she is white and not the subject of the abuse.
- An employer displays a topless calendar in the workplace. A male worker complains that he finds this offensive.

Secondly, the definition protects in relation to association or perception. For example protection for someone who experiences harassment because their partner or their son is a disabled person, or because they are perceived to be gay.

Victimisation happens when someone is treated unfairly or less favourably because they have supported someone in making a complaint or an allegation of discrimination, or because they personally have made an allegation of discrimination.

Previous equality legislation recognised disability-related discrimination. The Act replaces this with two new causes of action in relation to disability – indirect discrimination (see below) and **discrimination arising from a disability**. The latter occurs when a disabled person is treated less favourably because of something connected to their impairment, medical condition or specific learning difficulty.

Failure to make reasonable adjustments happens when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared to a non-disabled person.

Direct discrimination (with the exception of age), harassment, victimisation and failure to make reasonable adjustments can never be justified. Indirect discrimination and discrimination arising from a disability may be permissible if an organisation can 'objectively justify' that their actions are a proportionate means of achieving a legitimate aim.