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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, victimisation and fostering good relations.

The Learning Philosophy and our Values underpin equality, diversity, and inclusion. We believe that everyone has the capacity and ability to learn and develop and we aim to promote a culture of equitable opportunity for staff and students across Regions, Faculties, Services, Teams and Departments. We strive to provide a safe, professional, accessible environment; delivering services, education and progression opportunities that are inclusive and allow individuals from all walks of life to access free from prejudice and/or discrimination.

Background

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

Our Learning Philosophy recognises that people learn and develop best when they feel emotionally secure and when they work in a safe environment. We acknowledge this for all our students and staff and pay particular attention to those groups who may be marginalised due to protected characteristics. For example, we know that the experiences of a person in transition from one gender identity to another or identifying as non-binary may impact on their learning experience, their learning and progression outcomes and their overall health and wellbeing and therefore take appropriate measure to minimise risk.

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. For instance, Activate Learning aims to support gender diverse students and give support and understanding to those individuals who wish to take, or have taken steps, to present themselves in a gender different assigned to them at birth. Equality and diversity is central to all that we do, and fundamental to our mission and values.

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.

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 and Appendix 2 on Gender Identity Definitions.

Scope

Our commitment to staff

We will:

- strive to recruit, employ, retain and develop 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 throughout employment
- provide ongoing continuous professional development in equality and diversity, to equip staff to recognise and embed diversity and to challenge any form of discrimination (see Learning and Development Policy)
- 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, oncourse 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 all our services are accessible
- actively challenge and tackle all forms of prejudice, discrimination and stereotypical attitudes
- deal with all allegations of discrimination, harassment, and victimisation sensitively and investigate fairly and thoroughly (see Complaints, Comments and Suggestions Policy)
- treat any form of discrimination, harassment or victimisation carried out by an individual as a matter for possible disciplinary action (see the Professional Conduct Policy).

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:

- receive and respond to staff feedback and to learner/staff 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, diversity and inclusion
- 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:

- regularly seek out and respond to feedback from key stakeholder groups e.g., Black and Minority Ethnic, Wellbeing, Student Parliament, LGBTQIA, Transgender.
- convene thematic groups to address issues relating to EDI, set clear objectives, drive actions and report back through the committee
- 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:

- 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 (see Student Behaviour Policy)
- report any concerns they have for themselves or others

References

- Statement of British Values
- Comments, Suggestions, Complaints Policy
- Professional Conduct Policy
- Gender Identity Procedure
- Learning and Development Policy
- Safeguarding Policy
- Student Behaviour Policy
- Wellbeing Policy
- Workplace Standards Policy

Appendices

- Appendix 1 - Definitions of Discrimination
- Appendix 2 - Gender Identity Definitions

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 persons, as well as a newly pregnant person** 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.



Appendix 2 - Gender Identity Definitions

Agender

Having no gender in terms of presentation, identity, etc.

Acquired gender

The new gender of a person who has socially transitioned and had their gender reassigned and/or legally recognised. It is possible for an individual to transition and receive legal recognition of their acquired gender without medical assistance.

Bigender

Identifying as both male and female, possibly moving between these.

Binary gender identity

The classification of sex and gender into two distinct, opposite and disconnected forms of masculine and feminine.

Cisgender (Cis)

An individual who identifies with the gender they were assigned at birth.

Gender

Gender consists of two related aspects: gender identity, which is a person's internal perception and experience of their gender (their sense of themselves as a woman, man or non-binary person) and gender role or expression (the way a person lives in society and interacts with others – how they express themselves in terms of voice, clothing, etc.).

Gender fluid

Denoting or relating to a person who does not identify themselves as having a fixed gender, rather experiencing oneself as different genders over time.

Gender questioning

Someone exploring their gender identity.

Intersex

Possessing any of several variations in sex characteristics including chromosomes, gonads, sex hormones or genitals that, according to the UN Office of the High Commissioner for Human Rights, "do not fit the typical definitions for male or female bodies".

Non-binary gender identity

Identifying as either having a gender which is in-between or beyond the two categories 'man' and 'woman, as fluctuating between 'man' and woman', or as having no gender, either permanently or some of the time.

Queer

Term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBTQIA community. Some LGBTQIA people view the word as a slur, it was reclaimed in the late 80's by the queer community who have now embraced it. This term can still be considered offensive when used as an adjective, therefore we encourage non LGBTQIA person's refrain from using the term within the organisation.

Sexual orientation

Sexual orientation is different from gender identity, and the two are not related. Trans people, like any other people, can be heterosexual, lesbian, gay or bisexual.

Trans

An inclusive term for those who identify themselves as transgender, transsexual or transvestite. The term 'trans' can be used without offence but should only be used as an adjective, for example 'a trans student'.

Transgender

Transgender refers to individuals who have a gender identity or gender expression that differs from their assigned sex.

Transitioning

Transitioning is the term used to describe someone changing from one gender to another, with or without medical intervention.

Transphobia

Negative attitudes, emotions, behaviours and structures relating to people on the basis of their being trans in some way, or otherwise not conforming to conventional gender roles.

Transsexual

This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender as deemed less offensive.

Transvestite or cross-dresser

The terms transvestite and cross-dresser refer to someone who dresses in the clothing typically worn by the opposite sex. Generally, people who are transvestites/cross-dressers do not wish to alter their body and do not necessarily experience gender dysphoria. This is generally considered an outdated term but there are members of the LGBTQIA community who continue to self define using this term.

LGBTQIA

The acronym for lesbian, gay, bisexual and transgender, queer, queer (questioning) and intersex representing and embracing other identities.