

POLICY / PROCEDURE

Document Title	Equal Opportunities and Fair Treatment Policy
Version	1.1
Equality Impact Assessment Status	No issues identified against any of the protected characteristics. Low risk.
Approved by	Executive Team; E, D & I Committee
Date approved	17 December 2019; 29 January 2020
Consulted with	JCNC (13 January 2020)
Effective date	1 February 2020
Date of next review	31 December 2022
Lead responsibility	Head of Human Resources

Equal Opportunities and Fair Treatment Policy

1. PURPOSE

The purpose of this Policy is to provide a framework for challenging prejudice, eliminating discrimination, advancing equality of opportunity and fostering good relations between people from a variety of backgrounds.

2. SCOPE

The policy applies to all employees, prospective employees, learners, prospective learner and visitors and the College also expects contractors and partners carrying out functions on its behalf to demonstrate compliance with this policy.

3. POLICY / PRINCIPLES

- 3.1. An equality and fair treatment perspective will inform all College policies, procedures and practices.
- 3.2. The College's working and learning environment will be open, accessible, non-discriminatory and free from prejudice, bullying, harassment and victimisation.
- 3.3. The College's ethos will be positive and inclusive – celebrating difference, rejecting stereotyping, and encouraging.
- 3.4. The College believes that having a workforce drawn from a variety of backgrounds will give it wider access to the talents, skills, experience and different perspectives available in a richly diverse society and help it to meet the needs of learners living in the twenty-first century.
- 3.5. All employees, prospective employees, learners, prospective learners and visitors will be treated with respect and dignity, and will not be subject to less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion and belief, sex or sexual orientation – protected characteristics under the Equality Act 2010.
- 3.6. The College will expect contractors and partners carrying out functions on its behalf to be able to demonstrate their commitment to equality and diversity.
- 3.7. Its commitment to equality of opportunity and fair treatment is central not only to the College's effectiveness and development as an institution but also to the assurance of high quality in its provision of education and training.

4. EQUALITY IMPACT ANALYSIS

- 4.1. In order to ensure its compliance with The Equality Duty of the Equality Act 2010, the College will consider the impact of its decisions, practices, activities and services on employees, learners and service-users with different protected characteristics.
- 4.2. The impact analysis process seeks to ensure that:
 - 4.2.1. College decisions, practices, activities and services do not inadvertently disadvantage employees, learners, or service-users;

- 4.2.2. opportunities to foster good relations between people from a variety of backgrounds are identified.
- 4.3. The impact of *new* policies and procedures will be analysed during their development while *existing* policies and procedures will be assessed at the time of their review.
- 4.4. The impact analysis is in two parts:
 - 4.4.1. *initial* screening to determine whether the policy or procedure has, or has the potential, for a high level of negative impact;
 - 4.4.2. *full* analysis where initial screening indicates that the policy or procedure has the potential for a high level, significant and extensive negative impact and/or may breach anti-discriminatory legislation.
- 4.5. Where appropriate, the College will seek to involve individuals with relevant experience, knowledge and understanding in the impact analysis.
- 4.6. Information gathered in the monitoring process will be used in the impact analysis.
- 4.7. Priorities for action arising from the impact analysis will be established through the Equality, Diversity and Inclusion Committee.

5. SPECIFIC AIMS/OBJECTIVES

- 5.1. Employees (and prospective employees) -
 - 5.1.1. every employee will be selected, promoted and treated fairly and solely on the basis of their abilities and potential.
 - 5.1.2. no employee or prospective employee will receive less favourable treatment on the grounds detailed in Paragraph 2.5 above.
 - 5.1.3. any employee who commits an act of unlawful discrimination against a colleague or learner or visitor (or induces or attempts to induce others to do so), or who victimises an individual who has complained that unlawful discrimination has taken place, will be dealt with in accordance with the *Bullying and Harassment Policy* and/or the *Disciplinary Procedure*.
 - 5.1.4. any employee who commits an act of unlawful discrimination within the recruitment and selection (including promotion) process will be dealt with in accordance with the *Staff Disciplinary Procedure*.
- 5.2. Learners (and prospective learners) and visitors -
 - 5.2.1. no learner, prospective learner or visitor will receive less favourable treatment on the grounds detailed in Paragraph 2.5 above;
 - 5.2.2. all prospective learners will be treated solely on the basis of their abilities and potential for success on the courses/programmes for which they have applied;
 - 5.2.3. any learner who commits an act of unlawful discrimination against a College employee, a contractor's or partner's employee, a fellow learner or a visitor (or induces or attempts to induce others to do so) or who victimises an individual who has complained that unlawful discrimination has taken place, will be dealt with in accordance with the *Anti-Harassment and Anti-Bullying Policy and Procedure* and/or the learner *Student Disciplinary Code*.

6. RESPONSIBILITIES

- 6.1. The Board of the Corporation have overall responsibility for the development of equality and diversity, for the review of progress and for ensuring that the College's Strategic Plan includes actions that support an equality agenda.

- 6.2. The Principal and the Executive Team are responsible for providing clear leadership on equality issues and ensuring that the College complies with its statutory responsibilities in relation to equality legislation.
- 6.3. Managers and leaders at all levels are responsible for ensuring that they –
- 6.3.1. demonstrate their commitment to promoting equality and diversity;
 - 6.3.2. understand the College’s statutory responsibilities in relation to equality legislation;
 - 6.3.3. undertake appropriate training in order to keep up to date with equality legislation and with best practice in promoting equal opportunities and securing fair treatment;
 - 6.3.4. ensure that the employees who report to them are aware of their own responsibilities, and receive appropriate support and training in fulfilling them;
 - 6.3.5. take action against those who may be discriminating unlawfully or acting inappropriately on any of the grounds detailed in Paragraph 2.5 above;
- 6.4. Some managers have specific responsibilities for ensuring that –
- 6.4.1. the effective implementation monitoring and reporting of this Policy and its progress (Vice Principal – Curriculum and Quality);
 - 6.4.2. the Staff Development Policy supports this implementation (Vice Principal - Curriculum and Quality);
 - 6.4.3. this Policy is regularly reviewed and updated (Head of Human Resources);
 - 6.4.4. all College policies, procedures, practices and activities in the following areas are compliant with statutory obligations and with this Policy
 - quality assurance (Vice Principal - Curriculum and Quality)
 - learner access, recruitment and admissions (Deputy Principal – Strategic Partnerships)
 - learner support and guidance (Head of Faculty with responsibility for Learner support)
 - learner retention, assessment and achievement (Heads of Faculty)
 - teaching and learning (Heads of Faculty)
 - curriculum planning and development (Heads of Faculty)
 - employment, including recruitment and promotion (Head of Human Resources)
 - partnership and community links (Deputy Principal – Strategic Partnerships)
 - marketing and publicity (Deputy Principal – Strategic Partnerships)
 - procurement and outsourcing (Estates and Facilities Manager)
 - collection and analysis of equality monitoring (Head of Information Services).
- 6.5. All employees are responsible for ensuring that –
- 6.5.1. they are aware of the College’s statutory responsibilities and fulfil their own individual responsibilities in relation to equality legislation;
 - 6.5.2. they challenge and report discriminatory and other inappropriate behaviour;
 - 6.5.3. they promote equal opportunities and fair treatment;
 - 6.5.4. they undertake appropriate training in order to keep up to date with equality legislation and with best practice in promoting equal opportunities and securing fair treatment;
 - 6.5.5. their schemes of work, lesson plans and teaching/learning resources demonstrate sensitivity to equality issues (if they are involved in the teaching and learning process);
 - 6.5.6. they pay particular attention to the needs of learners and deal with inappropriate behaviour – tackling prejudice and stereotyping.

- 6.6. All contractors, service providers and work placement providers are responsible for ensuring that –
- 6.6.1. they understand and agree to fulfil their responsibilities under this Policy;
 - 6.6.2. the standard equal opportunities and fair treatment clause in contracts and agreements is complied with.
- 6.7. All learners are responsible for ensuring that -
- 6.7.1. they treat fellow learners, College employees and visitors with respect – and do not discriminate against, or harass or bully anyone;
 - 6.7.2. they challenge and/or report any form of discriminatory behaviour, harassment and bullying.

7. STRUCTURES

- 7.1. The Vice Principal – Curriculum and Quality has overall responsibility for equality and fair treatment issues –
- 7.1.1. chairing the Equality, Diversity and Inclusion Committee;
 - 7.1.2. overseeing the implementation of robust equality measures to support compliance with this Policy;
 - 7.1.3. ensuring that regular reports are made to the Executive Team and/or the Board, as appropriate.
- 7.2. The Equality, Diversity and Inclusion Committee has a remit to –
- 7.2.1. promote policies, procedures and practices supportive of an open, accessible and non-discriminatory working and learning environment;
 - 7.2.2. encourage the development of a separate Equal Opportunities Code of Practice for each of the following areas -
 - quality assurance
 - learner access, recruitment and admissions
 - learner support and guidance
 - learner retention, assessment and achievement
 - teaching and learning
 - curriculum planning and development
 - employment, including recruitment and promotion
 - partnership and community links
 - marketing and publicity
 - procurement and outsourcing
 - 7.2.3. review this Policy once every three years and other equality policies, as required;
 - 7.2.4. identify other priority areas for developments that will support the implementation of this Policy;
 - 7.2.5. provide an equal opportunities and fair treatment perspective on draft policies and procedures, as appropriate;
 - 7.2.6. act as a decision forum for all equality and fair treatment issues – exchanging information and considering examples of good practice.

8. MONITORING

- 8.1. The College will monitor both the workforce and the student body in relation to the differential effect of the protected characteristics.
- 8.2. Workforce monitoring will cover –

- composition/profile;
- job application and selection success rates;
- post, salary grade and employment group;
- employment contract, continuity and termination;
- promotion and/or regrading application and success rates;
- performance management outcomes;
- professional development and training;
- disciplinary, capability and grievance proceedings;
- bullying and harassment incidents and allegations.

8.3. Student body monitoring will cover –

- composition/profile;
- application and admission rates;
- retention and achievement rates;
- work placements;
- attendance;
- changes in course/programme provision;
- progression;
- disciplinary and complaint proceedings;
- bullying and harassment incidents and allegations.

8.4. After the employment and learning relationship has ended, the College may retain appropriate (but anonymized) information and data about the composition of both the workforce and the student body for the purpose of carrying out equality monitoring.

8.5. Monitoring will be undertaken in accordance with recommended best practice and with due regard to data protection principles.

9. COMPLAINTS

9.1. The College will seek to provide a supportive environment for anyone who complains of discrimination, bullying, harassment, victimisation or abuse –

9.1.1. a complaint will not necessarily have to be put in writing (in which case the person receiving the oral complaint will produce a written record of its details – agreed with the complainant);

9.1.2. depending on the particular circumstances of the complaint, and whether the complainant is a learner or an employee or a visitor, the matter will be dealt with under

- the *Compliments and Complaints Procedure* or
- the *Staff Grievance Procedure*.

9.2. If, in the course of his or her work, a College employee suffers discrimination, bullying, harassment, victimisation or abuse from members of the public, the College will take appropriate action against the perpetrator(s).

9.3. Any act of unlawful discrimination, bullying, harassment, victimisation or abuse will be treated as a serious disciplinary offence and will be dealt with under the learner *Discipline Code of Conduct*, the *Staff Disciplinary Procedure* or *Bullying and Harassment Policy (staff)* the *Anti-Harassment and Anti-Bullying Policy and Procedure (students)*, as appropriate.

10. RELEVANT LEGISLATION

- The Equality Act 2010

11. RELATED DOCUMENTS

- Anti Harassment and Anti Bullying Policy (Students)
- Bullying and Harassment Policy (staff)
- Compliments and Complaints Policy
- Disciplinary Policy (staff)
- Grievance Procedure (staff)
- Student Disciplinary Code

12. EQUALITY AND DIVERSITY

12.1. The College has paid due regard to equality considerations during the preparation and implementation of this policy.

12.2. These considerations included the potential for any differential negative effect on the grounds of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, sexual orientation, marriage or civil partnership.

12.3. The College's judgement is that there is no such negative effect on those grounds and, consequently, no potential breach of the Equality Act 2010.

10.4 The operation of this Policy will be monitored by the Vice Principal – Curriculum and Quality in order to establish that no unlawful discrimination is taking place and to identify opportunities for the enhancement of equality of opportunity and fair treatment.

13. REVIEW

13.1. This document will be reviewed by 31 December 2022.

13.2. The Head of Human Resources will undertake this review, taking into account the outcomes of the monitoring process, legislative changes and developments in good practice.

13.3. As part of the review, the Head of Human Resources will seek and consider the views of the College's employees and of the recognised trade unions.

13.4. The outcome of the review will be reported to the Vice Principal – Curriculum and Quality and, by them, to the Executive Team.

14. DOCUMENT IDENTIFICATION

Category [select ONE only]	<input checked="" type="checkbox"/> Programmes/courses <input type="checkbox"/> Partnerships <input type="checkbox"/> Finance <input type="checkbox"/> Quality <input type="checkbox"/> Governance <input type="checkbox"/> Health and safety <input type="checkbox"/> Facilities <input type="checkbox"/> Computer Services <input type="checkbox"/> MIS <input type="checkbox"/> Admissions <input type="checkbox"/> Teaching and learning <input checked="" type="checkbox"/> Human Resources
Audience [select ALL that apply]	<input checked="" type="checkbox"/> Employees <input checked="" type="checkbox"/> Learners <input checked="" type="checkbox"/> Partners <input checked="" type="checkbox"/> Suppliers

Glossary of terms

Age: This relates to anyone of a particular age (e.g. 25 year olds) or within a range of ages (e.g. 18-30 year olds).

Disability: A disabled person is defined in the Equality Act 2010 as an individual with 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 (see Appendix 2).

Diversity: Diversity is about understanding recognising, respecting and valuing differences – taking account of individuals' different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective workforce.

Equality: Equality means a fair and consistent approach to the application of rules, policies and procedures – rejecting any unlawful and unfair discrimination, and supporting the development of their full potential by all individuals. It requires everyone to be treated with respect and consideration, and without prejudice.

Ethnicity: Strictly defined, the term 'ethnicity' refers to a group (an 'ethnic group') regarded as a distinct community by virtue of certain shared essential characteristics – a shared history which distinguishes it from other groups and a shared and separate cultural tradition of its own (e.g. Sikhs and Gypsies). However, ethnicity has come to have a broader meaning and the expression 'ethnic monitoring' is also used in reference to groups defined by colour, race or national origin.

Gender: The term '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 terms.

Gender identity: Gender identity is defined as a personal conception of oneself as male or female (or rarely, both or neither). Everyone has a gender identity and is entitled to express their gender in a unique and personal way. Gender pronouns are the words we use to refer to someone like 'he', 'she' and 'they'. If you're not sure what to call someone then just ask. If you make a mistake, apologise and try to use the right words from then on.

Gender Reassignment: Gender reassignment is a personal, social, and sometimes medical, process by which an individual's gender presentation (the way he or she appears to others) is undergoing a process of transition to another gender. Not all transsexual individuals undergo medical procedures to change gender. Those individuals who decide to live in the gender opposite to that assigned at birth, but do not undergo any medical procedures, are protected from discrimination under the Equality Act 2010.

Harassment: This is behaviour which is unwelcome or unacceptable and which results in the creation of a stressful or intimidating environment for the victim. It may include verbal abuse, racist jokes, insensitive comments, leering, physical contact, unwanted sexual advances, ridicule or isolation.

Liability: An employer has legal liability for any act of discrimination (including harassment) carried out by an employee – unless the employer can demonstrate that all reasonably practicable steps had been taken to prevent it.

Marriage and Civil Partnership: A legally recognised intimate relationship with another person.

Occupational Requirements: Only in very limited circumstances is it lawful for an employer to specify that job applicants must have, or must not have, a particular protected characteristic covered by the Equality Act 2010. In such circumstances, this specification is known as an 'occupational requirement' and must be -

- crucial to the post, and not just one of several important factors
- related to the nature of the particular job in question, rather than the nature of the employing organisation
- proportionate as a means of achieving a legitimate operational aim.

Pregnancy and Maternity: This relates to anyone who is expecting a baby or is taking maternity leave and includes treating a woman less favourably because she is breastfeeding.

Protected characteristics: The Equality Act 2010 covers nine protected characteristics – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. An individual with a protected characteristic is protected from discrimination under equality legislation.

Quotas: It is unlawful to select an individual for a job on the basis of his or her protected characteristic in order to achieve a fixed quota of employees of that protected characteristic.

Race: A group of people defined by their colour, ethnic or national origins, nationality (including citizenship)

Religion and Belief: This relates to an individual's religious or philosophical belief, including someone who is agnostic or atheist. Normally, in order for a belief to be included in the definition, it should affect an individual's life choices, or his or her conduct, or the way he or she lives.

Sex: A man or a woman.

Sexual orientation: The direction of an individual's sexual interest – whether heterosexual, bisexual, gay or lesbian. Perceptions and assumptions about an individual's sexual orientation are also covered by law.

Targets: These can be percentages of underrepresented groups that employers aim to achieve in the make up of their workforce as part of an 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.

Transsexual: An adjective used to describe an individual who has such a powerful sense of discomfort with the gender of their body and subsequent social role – a condition called *gender dysphoria* – that they undertake a personal, social, and sometimes medical, transition to live in the gender identity of their personal comfort and conviction.

Victimisation: If an individual has made, or is making – in good faith – an accusation of discrimination, it is unlawful to discriminate against him or her for having done so, or for intending to do so, or because it is suspected that he or she will do so.

Definitions of disability

‘Physical or mental impairment’: a disability can arise from a wide range of impairments, including –

- sensory impairments – such as those affecting sight and hearing;
- impairments with fluctuating or recurring effects – such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome, fibromyalgia, depression and epilepsy;
- progressive conditions – such as motor neurone disease, muscular dystrophy, forms of dementia and lupus;
- organ specific (including respiratory) conditions – such as asthma, and cardio-vascular diseases, including thrombosis, stroke and heart disease;
- developmental conditions – such as autistic spectral disorders (ASD), dyslexia and dyspraxia;
- learning difficulties;
- mental health conditions and mental illnesses – such as depression, schizophrenia, eating disorders, bipolar affect disorders, as well as personality disorders and some self-harming behaviour;
- conditions produced by injury to the body or brain;
- severe disfigurements.

Additionally, any of the following conditions can be defined as a disability, even though they may not have a substantial and long-term adverse effect on an employee’s ability to carry out normal day-to-day activities –

- cancer, human immunodeficiency virus (HIV), multiple sclerosis (MS);
- blindness or partial sightedness – where the condition is certified by a consultant ophthalmologist.

Specifically *excluded* from the definition of physical or mental impairment are –

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of being medically prescribed);
- a tendency to set fires;
- a tendency to steal;
- a tendency to physical or sexual abuse of other persons;
- exhibitionism;
- voyeurism;
- seasonal allergic rhinitis (e.g. hay fever) – unless it aggravates the effect of another condition.

‘Substantial and long-term’: a disability is long-term if it has lasted, or is expected to last, for at least 12 months (or for the rest of an individual’s life) – or if it has ceased to have a substantial effect but is likely to recur. It is considered substantial if it is one that is more than minor or trivial and brings limitations that go beyond the normal differences in ability which may exist among people.

Categories for ethnic groups as set out in the 2011 Census

- A White
- English/Welsh/ Scottish/Northern Irish/British
 - Irish
 - Gypsy or Irish Traveller
 - Any other White background
- B Mixed
- White and Black Caribbean
 - White and Black African
 - White and Asian
 - Any other Mixed/multiple ethnic background
- C Asian or Asian British
- Indian
 - Pakistani
 - Bangladeshi
 - Chinese
 - Any other Asian background
- D Black/African/Caribbean/Black British
- Caribbean
 - African
 - Any other Black/African/Caribbean/ background
- E Other ethnic group
- Arab
 - Any other ethnic group

DERWENTSIDE COLLEGE

Equality Impact Analysis – Screening	
Policy/procedure:	
Purpose:	
Version: Existing <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Redrafted <input type="checkbox"/>	
Date of latest version:	
Management post(s) responsible:	
<p style="text-align: center;"><i>for drafting/definition</i> -----</p> <p style="text-align: center;"><i>for implementation</i> -----</p>	
Employee, learner or other stakeholder groups:	
<p style="text-align: center;"><i>directly affected</i> -----</p> <p style="text-align: center;"><i>consulted</i> -----</p>	

	Comments
<p>1. Is the policy/procedure applied uniformly throughout the College?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	

<p>2. Is the policy/procedure expected to have any negative discriminatory effect on those covered by the following protected characteristics?</p> <p><input type="checkbox"/> Age</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender reassignment</p> <p><input type="checkbox"/> Marriage/Civil partnership</p> <p><input type="checkbox"/> Pregnancy/maternity</p> <p><input type="checkbox"/> Race (inc. ethnic/national origins, colour, nationality)</p> <p><input type="checkbox"/> Religion/belief</p> <p><input type="checkbox"/> Sex</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> No negative effect expected</p>	
<p>3. What is the level of risk of any negative discriminatory effect of the policy/procedure?</p> <p>High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Legal <input type="checkbox"/></p>	
<p>4. Is the policy/procedure likely to harm positive attitudes towards others?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	

If **any** negative discriminatory effect of the policy/procedure has been identified, the Comments column should detail the action to be taken to avoid/reduce this effect. If a **high** level negative effect has been identified, a Full Equality Impact Analysis will need to be carried out.

<i>Completed by</i>	
<p>Name: _____</p> <p>Post: _____</p> <p>Date of completion: _____</p>	<p>A Full Equality Impact Analysis</p> <p><i>is recommended</i> <input type="checkbox"/></p> <p><i>is not required</i> <input type="checkbox"/></p> <p>Signed _____</p>