

## Equality and Diversity Policy

Version	Approved by Governors	Reviewed
001	May 2020	May 2021
<b>Revisions: none currently</b>		

### 1. Introduction

- 1.1 Southend Adult Community College (SACC) is a direct delivery service within Southend-on-Sea Borough Council (SBC).
- 1.2 As required, the College has an Equality and Diversity statement and a set of objectives as stated here:

#### **STATEMENT**

Dedicated to ensuring you have the freedom to join in college life.

Our college commits to doing all we can to provide you with a learning experience that is free from discrimination, bullying, harassment and victimisation. We aim to create an environment where you are treated with respect and dignity.

We celebrate adults and young people, irrespective of their race, colour, disability, age, religion, belief, gender or sexual orientation.

We continue to develop a culture that embraces and celebrates equality and diversity. We believe that equality means that everyone has a fair opportunity to participate in learning and our approach to diversity is that your differences will be respected and accepted. We are passionate about providing the support you need to participate fully in your learning journey within our college.

Our courses aim to bring to life diversity and celebrate equality with energy and enthusiasm. We aim to provide an inclusive environment where everyone's contribution, ideas and differences are valued individually and as a vibrant community.

Our aim is for all of you to have an opportunity to learn and work freely, achieving your personal aspirations, enabling you to enter, progress and excel in the workplace and in life.

#### **OBJECTIVES**

We are committed to embedding equality and diversity through:

1. Identifying and removing the potential barriers that may prevent current or future staff and learners from reaching their full potential while studying in or working for the College;
2. Providing an environment which values and celebrates diversity and is free from unlawful discrimination, harassment or victimisation of any kind;
3. Working towards creating a positive and safe environment where staff and learners feel secure and the diversity of all is respected.
4. The College's workforce feels valued, respected and is reflective of the diverse communities it serves.
5. Working in partnership to support the aims and vision of Southend Borough Council along with the objectives of the College to improve the quality of life, prosperity and opportunities for those living and working in the Borough.
6. Celebrating the diversity of Southend and the Borough, contributing to an increasingly cohesive place where people from all communities respect and welcome each other.

1.3 Progress on how the College is meeting its equality responsibilities will be reported annually in the Self-Assessment Report (SAR) and progress monitored monthly through the College's monitoring and reporting tools.

## **2.0 Scope of this policy**

2.1 This is an overarching policy on equality and diversity that applies across all the functions of the College, including employment, teaching and learning, procurement and marketing and admissions. The implementation of the policy is linked to a number of related policies. Procedures and practices, a list of which can be found in Appendix 1.

2.2 This policy applies to all learners, staff, volunteers, governors, contracted staff and visitors to our sites in respect of all aspects of the College's provision and the employment relationship.

2.3 The College will not tolerate any form of discrimination, bullying or harassment on the grounds of:

- age
- disability (including physical or sensory impairments, mental health, long term medical conditions such as epilepsy, HIV/AIDs and neuro-diverse conditions such as dyslexia and ADHD);
- gender;
- gender reassignment;
- maternity and pregnancy;
- race (which includes ethnic or national origins)
- religion or belief;
- sexual orientation;
- marital or civil partnership;
- socio-economic status.

## **3.0 Responsibilities**

- Strategic responsibility for equality lies with the Principal and the Governing Body.
- The Senior Leadership Team and the Equality & Diversity Group will review equality and diversity in relation to learners and staff.

- All staff and learners have a right to work and learn in an environment free from bullying or harassment. Governors, managers, staff and learners share the responsibility for creating an environment that is free from discrimination and which promotes equality of opportunity and values diversity.
- Staff and learners must comply with the policy and treat others with respect at all times.
- Any incidence of discrimination or harassment should be taken seriously and dealt with sensitively. Where learners or staff encounter discriminatory practice or behaviour, including those by a person who provides a service on behalf of SACC, they are expected to actively discourage it and/or to report the matter to their tutor or line manager. Appendix 2 outlines the types of unlawful discrimination.
- Staff should also participate in equality and diversity training and other relevant development activities where possible.
- Line Managers are responsible for ensuring their staff understand equality and diversity issues and how to report any perceived discrimination or harassment. In addition they are responsible for ensuring their part-time staff are not disadvantaged in any way and that complaints of discrimination or offensive behaviour are dealt with promptly.
- Service providers working on College premises are expected to operate within the law and are encouraged to adopt the terms of this policy.

### 3.1 **Commitment to Equality and Diversity**

We are committed to embedding equality and diversity through:

- Identifying and removing the potential barriers that may prevent current or future staff and learners from reaching their full potential while studying or working for the College;
- Providing an environment which values and celebrates diversity and is free from unlawful discrimination, harassment or victimization of any kind;
- Working towards creating a positive and safe environment where staff and learners feel secure and the diversity of all is respected.

In its commitment to learners, the College undertakes to:

- Deliver services to learners in a way which is sensitive to their cultures, ethnic backgrounds, beliefs, sexual orientation, gender, age, class and disabilities;
- Ensure the curriculum offer reflects the needs of potential and existing learners, and includes sufficient equality and diversity content.
- Promote styles of teaching and learning that support learners' individual needs.
- Provide appropriate support to assist all learners to achieve their potential;
- Make clear the expectations and commitments to equality and diversity in marketing materials and events, during the learner admissions process and during induction.

In its commitment to staff, the College undertakes to:

- Ensure all staff policies and procedures promote equality of opportunity and are not unlawfully discriminatory in their operation;
- Work towards the achievement of a workforce that is representative of the diversity of the communities from which we recruit and the learner population;
- Ensure training, development and progressions opportunities are available to all staff;

- Arrange training for staff on relevant equality and diversity issues and include equalities issues in training on employment practices
- Consult with appropriate staff to identify any potential barriers to recruitment, promotion and retention;
- Oppose all forms of unlawful or unfair discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy related to the protected characteristics.

### 3.2 **Legal Context**

The College welcomes and abides by all statutory provisions on equality and diversity. The Equality Act, 2010, recognises nine “protected characteristics”:

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

Under the Act, the College has a “public duty” to give due regard to:

- Eliminating discrimination, harassment and victimisation;
- Advancing equality of opportunity. This includes the need to:
  - Remove or minimise disadvantage experienced by persons who share a protected characteristic;
  - Take steps to meet the needs of people who share a protected characteristic that are different from the needs of people who do not share the protected characteristic. This includes taking steps to take account of disabled people’s impairments, even when that means treating disabled people more favourably or using positive action to achieve this duty;
  - Encourage persons with a protected characteristic to participate in public life or any other activities where participation is disproportionately low.
- Fostering good relations – which can include tackling prejudice and promoting understanding between people of different groups.

### 4.0 **Implementation:**

4.1 The College has the following measures and plans in place to help it achieve equality and diversity for learners and staff:

- Vision, Values and Strategy;
- The College’s Strategic Plan;
- Equality & Diversity Group which has cross-service equality and diversity responsibilities;
- Equality and Diversity monitoring via the SAR process and quality improvement plans;
- Membership of or links with FE sector organisations that promote equality e.g. the Education and Training Foundation, HOLEX

- Staff and learner awareness raising events to support equality and diversity;
- Specific services and courses to meet the needs of learners with additional learning support needs e.g. the Additional Learning Support Service,
- Training in equality and diversity areas;
- Compliance with the Prevent Duty
- College-wide events that celebrate equality and diversity;
- Learner surveys, learner and staff focus groups.
- A Behaviour Management Policy for learners which specifically addresses equality and diversity issues.

## **5.0 Training, communication and awareness**

5.1 The College is committed to using a number of different ways to communicate our policy to ensure all our staff, governors, learners, volunteers and visitors:

- Understand our commitment to equality and diversity;
- Understand their responsibilities and role in the process;
- Know where to seek advice and guidance;
- Know how to raise a concern or complaint and are confident that they will be handled effectively.

5.2 These methods will include equality and diversity being covered via:

- Training/briefing meetings for all staff/governors;
- Briefings for employees and trade union representatives;
- Information on local notice boards and on the website;
- Details in learner and staff handbooks;
- Employee/learner individual induction;
- Managers who can guide employees through the policy and procedures;
- Articles in our newsletter series;
- Links to the website and E&D related posts on social media.

## **6.0 Monitoring & evaluation**

6.1 Learner enrolment, retention, and achievement, learner surveys and concerns/complaints are annually monitored by: ethnic group, gender, language, age, disability and learning difficulty and the findings used to inform the College self-assessment process.

6.2 Learners' views on the implementation of the Policy are identified by means of learner surveys and focus groups.

6.3 All aspects of the employment process from recruitment, grievances, disciplinarys, and redundancies through to employment tribunal applications are regularly monitored by managers and governors. Monitoring covers ethnic group, gender, age, disability, religion and belief, sexual orientation. The findings are used to inform employment and development strategies and to address any negative equality and diversity impact where identified.

6.4 The implementation of the Policy and the Objectives are scrutinised by Governors and by the College's Equality & Diversity Group.

6.5 Monitoring and review of equality issues feed into the College SAR, Strategic Plan and Quality Improvement Plan. The Governing Body and Senior Leadership Team receive reports arising from the monitoring of equality and diversity issues through these key documents.

6.6 The following systems are proposed, or in place, to monitor and evaluate the equality and diversity impact College policies, services, courses and curriculum have:

- Annual SARs;
- Learner and staff surveys;
- Measureable objectives;

## 7.0 Equality & Diversity Group

7.1 This group consists of the Assistant Principal and a cross college representation of staff. It will meet on a termly basis. The link governor for Equality & Diversity will monitor the group's activities each term.

### Glossary

Description / Explanation	
<b>Age</b>	This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32 year olds) or range of ages (e.g. 18 – 30 year olds, or people over 50).
<b>Bullying</b>	Bullying is a form of harassment and is usually considered to be a series of acts that occur over a period of time. It is persistent behaviour directed at an individual which may be offensive, intimidating, malicious or insulting, and abuse or misuse of power through means intended to undermine, humiliate or injure the recipient.
<b>Combined discrimination</b>	Less favourable treatment of a person compared with another person because of a combination of two or more protected characteristics.
<b>Disability</b>	A person has a disability if s/he has a physical or mental impairment, which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
<b>Disadvantage</b>	A detriment or impediment – something that the individual affected might reasonably consider changes their position for the worse.
<b>Discriminating Directly or indirectly</b>	<b>Directly:</b> Refers to discrimination because of a person's protected characteristic; or <b>Indirectly:</b> discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic.
<b>Harassment</b>	Where a person engages in unwanted conduct relating to a protected characteristic and, the conduct has the purpose or effect of violating another individual's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for another individual.
<b>Impairment</b>	A functional limitation which may lead to a person being defined as disabled according to the definition under the Equality Act. See disability.
<b>Less Favourably</b>	Worse, not as well as.
<b>Marriage and civil partnership</b>	Marriage is defined as a 'union between a man and a woman'. Same sex couples who marry or register as civil partners have the same rights as other married couples. Additionally, married transgender men and women are able to change their legal gender without having to end their marriage. Civil partners have the right to equal treatment with married couples in relation to all employment matters, policies and benefits and must be treated no less favourably.
<b>More favourably</b>	To treat somebody better than someone else. This is unlawful under the Equality Act if it is because of a protected characteristic except in very limited

	circumstances e.g. the duty to make reasonable adjustments for a disabled person. The law can require pregnant workers to be treated more favourably in some circumstances.
<b>Perception</b>	In the Equality Act, the belief that someone has a protected characteristic, whether or not they do have it.
<b>Physical barriers</b>	A physical feature of a building or premises which places disabled people at a substantial disadvantage compared to non-disabled people when accessing goods, facilities and services or employment.
<b>Positive action</b>	Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.
<b>Positive discrimination</b>	Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.
<b>Pregnancy and maternity</b>	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.
<b>Prejudice</b>	Preconceived, usually unfavourable, judgments toward people or a person because of a protected or other personal characteristic (e.g. social class, political opinion).
<b>Procurement</b>	Is the term used in relation to the range of goods and services a public body or authority requires and delivers. It includes the sourcing or appointment of a service provider and the subsequent management of the goods and services being provided.
<b>Protected characteristics</b>	These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
<b>Public sector equality duty</b>	The duty on a public authority or institution when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity and annually report on relevant data and information.
<b>Race</b>	Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.
<b>Religion or belief</b>	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
<b>Sex</b>	This is a protected characteristic. It refers to whether a person is a man or a woman (of any age).
<b>Sexual harassment</b>	Any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them.
<b>Sexual orientation</b>	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.
<b>Stakeholders</b>	People with an interest in a subject or issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it.
<b>Transsexual person</b>	Refers to a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual.

<b>Unlawful</b>	Not permitted by law (as distinct from illegal which means 'forbidden by law'). On occasions, unlawful and illegal may be synonymous, but unlawful is more correctly applied in relation to civil (as opposed to criminal) wrongs
<b>Unreasonable</b>	Not reasonable, beyond what's practicable.
<b>Victimisation</b>	Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.

## APPENDIX 1

### Links to College Policies, Procedures, Practices

- Southend Borough Council's (SBC) Equality Objectives
- The Colleges' Strategic Plan (inc Vision & Values)
- The Colleges' Equality Statement and Objectives
- Human Resource policies
- GDPR Policies
- Health & Safety Policies
- Safeguarding & Wellbeing policies (inc Prevent)
- Modern Slavery Act (Statement)
- Whistleblowing Policy
- Behaviour for Learning Policy
- Additional Learning Support procedures
- Procurement Procedures
- Self-assessment reports (SAR)
- Quality Improvement Plan (QIP)

## APPENDIX 2

### THE EQUALITY ACT: TYPES OF UNLAWFUL DISCRIMINATION

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic



(although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation. Previous equality legislation recognised disability-related discrimination. The Equality Act 2010 replaces this with two new causes of action in relation to disability – indirect discrimination (see above) and discrimination arising from a disability. The latter occurs when a disabled person is treated less favourably because of something connected to their impairment.

**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. In the majority of cases, the Service will be legally liable if a court found that discrimination, harassment or victimisation had occurred. However, it is also important to realise that individuals can also be held responsible for their own actions.

### **Customers, suppliers and other people not employed by the College**

The College will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the College. Employees and learners should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action. The College will seek to choose suppliers who work within an Equalities Framework. This requirement is reflected in the tender process and documentation. Where a supplier is found to have breached the E&D requirements of the College and the Equalities Act the contract will be terminated with immediate effect.