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## Bury College Policy and Procedures

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### Equality, Diversity and Inclusion Policy

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## 1. Introduction & Purpose

Bury College is committed to providing an inclusive environment for all our employees, students and external stakeholders. We oppose all forms of unlawful discrimination in employment and against students on the grounds of the following 'protected characteristics' as defined in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

All job applicants, employees, students and others with whom we work will be treated fairly and will not be discriminated against on any of the grounds set out in section 2. Decisions about recruitment and selection, promotion, training or any other benefit will be made objectively and without any unlawful discrimination.

This policy is intended to assist the College to put its commitment to providing an inclusive environment and opposing unlawful discrimination into practice. Compliance with this policy should also ensure that no member of the College Community (employees, students and Corporation members) commits unlawful acts of discrimination.

We believe it is in the College's best interests, and those of all who work and study in the College, to ensure that the talents and skills of all members of the College community are valued and maximised.

Striving to ensure that the work and study environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring our inclusive environment. (see also Staff Code of Conduct, Bullying and Harassment Policy and Student Behaviour Policy).

This policy applies to the following groups of people:

- Job applicants and potential applicants
- Current and former employees
- Potential students and recruitment of students
- Current and former students, 16-19, Adults and Apprentices
- Contract workers/suppliers
- Agency workers
- Trainee workers and students on work experience or placement
- Volunteers
- Governors
- Employers working with apprentices
- Trainee Teachers

This policy and the action plan will be promoted by ensuring that all staff have read and understood the policy. This information will be captured and collated by HR. The EDI steering group will promote the policy through the implementation of the action plan. The EDI steering group has representatives from all types of provision, adults, apprenticeships, Young People

and High Needs (SEND). Representatives are made up of staff from all areas of the college and student representatives. Training will be provided to all employers through induction CPD on an annual basis.

## 2. Equality Charter

### Equality and Diversity Ethos Statement

Bury College is fully committed to promoting, maintaining and supporting equality and diversity in all aspects of its work. Bury College aims to create an environment where all individuals have the opportunity to achieve their full potential and gain a feeling of self-esteem and respect for and from all others. Bury College expresses its opposition to all forms of inequality and discrimination. This Equality and Diversity policy is the principal policy for equality, diversity and social inclusion for Bury College.

The Equality Act 2010:

The Equality Act 2010 became law on 1st October 2010. The Act introduces common definitions of discrimination. The nine 'protected characteristics' under the Act are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Religion or belief
- Race
- Sex
- Sexual orientation (gay, lesbian, bisexual and heterosexual orientation)

Students and staff must be protected from discrimination and harassment on these grounds. The Act also protects against discrimination by association and perception, e.g. a partner or carer of someone with a protected characteristic should also be protected from discrimination and harassment.

### Public Sector Duty

The Public sector Equality Duty is set out in section 149 of the Act and came into force on 5<sup>th</sup> April 2011.

The Equality Duty has **three aims**. It requires public bodies to have **due regard** to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and

- foster good relations between people who share a protected characteristic and people who do not share it.

Bury College must have *due regard* to these duties in the carrying out of its functions. Having *due regard* means consciously thinking about the three aims of the general duty as part of the process of decision-making.

For example, having due regard to the need to ***advance equality of opportunity*** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people with protected characteristics that are different from people who do not have that characteristic.
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

***Fostering good relations*** involves tackling prejudice and promoting understanding between people who share a protected characteristic and others

### **Specific Duties**

The Public Sector specific duty requires all public bodies to publish information to demonstrate the extent to which it furthered the aims of the general equality duty. Subsequent information must be published at least annually.

The regulations require public bodies to:

- Publish equality objectives every four years
- Publish information annually to demonstrate their compliance with the general Equality Duty;
- Publish information relating to their employees (for bodies with 150 or more staff) and others affected by their policies and practices (such as service users, e.g. students).

All information must be published in a way that is accessible to the public.

2.1 Bury College will uphold its public sector duty as outlined above and actively seek to ensure that both students and staff experience equality of opportunity and are free from harassment, discrimination or victimisation of any kind, regarding the protected characteristics. Furthermore, Bury College recognises and extends this policy to include, social status and deprivation, homelessness, unemployment, asylum and refugee status or membership of a trade union, or for any other identifiable cause protected by law.

2.2 As a responsible body, Bury College recognises and accepts its vicarious liability for the actions of staff, students and sub-contractors. Bury College will comply with all legislation, regulations, statutory and non-statutory codes of practice and our contractual requirements relating to equality and diversity.

2.3 Bury College will challenge all forms of inequality, discrimination and harassment, and actively promote opportunities for all of the 9 protected characteristics and

foster good relations between them. This work is regarded as the responsibility of all staff in Bury College.

2.4 Any action which contravenes this policy renders individuals employed by Bury College or students liable for disciplinary action. Evidence of discrimination or harassment may be considered as gross misconduct. Clients or contractors who contravene the policy can expect appropriate action.

### **3. Implementation**

In order to implement this policy, we will ensure all staff, students and other stakeholders are made aware of their responsibilities to create and maintain an environment in which respect for others is paramount and discrimination, bullying and harassment are challenged and minimised.

Provide training to all existing and new employees and students, and others engaged in work and/or study at the College to help them understand their rights and responsibilities and what they can do to help create an inclusive College environment free of bullying and harassment.

Incorporate the importance of committing to the Single Equality Scheme into job descriptions and work objectives for all staff.

Obtain commitments from other persons or organisations such as subcontractors and agencies that they too will comply with the policy in their work with the college, our workforce and our students (e.g. Due Diligence)

Through its recruitment, selection and admission procedures, Bury College will seek to ensure that it supports equality and diversity in all aspects of education and employment, so that the student body, staff and Corporation reflect the diversity of the communities we serve.

Bury College will seek to achieve equality for all students and to engage all learners, irrespective of their cultural background in all aspects of teaching, learning and support. It is committed to the attempt to 'narrow the gap' where students from one diversity strand achieve less well than those from other strands.

Bury College is committed to achieving equality for all staff in training, career development, promotion and reward, and will support staff to help them maximise opportunities to promote equality and diversity.

Any form of unfair discrimination against students or staff will be tackled effectively and with the aim of preventing such discrimination from occurring again in future.

Teaching materials and methods, and all forms of general communication with students will strive to be sensitive to different cultures and will seek to promote Equality and Diversity and foster good relations between people from different groups.

Bury College will support where possible efforts to rehabilitate ex-offenders. However, Bury College reserves the right to refuse such applications where it is

concluded that admitting the individual concerned poses a danger to other students or staff or an unacceptable level of corporate risk. Applications to College courses from ex-offenders will be considered via a review panel making recommendations to the Director of Personal Development.

Opportunities will be sought to extend the influence of Bury College, Equality, Diversity and Inclusion good practice to parents, Higher Education institutions and other partner organisations, employers with whom we work, the local community, and the FE sector generally

Implementing equal opportunities is an ongoing process that will be regularly reviewed by Bury College Senior Leadership Team and the Equality and Diversity Forum/Committee

All staff will be made aware of the Equality and Diversity Policy during the induction process. Additional training will also be conducted for all staff during College training days.

Bury College will produce an annual Equality and Diversity Action Plan to support the development and provision of equality and diversity. The action plan will be monitored by the Equality and Diversity Forum/Committee.

The Senior Leadership Teams will review all policies and procedures to ensure that a commitment to equality and diversity is continually evident. Equality Impact Assessments may be conducted on key strategic documents and projects and policies related to students and human resources at the time of their revision.

College marketing and support materials will seek to encourage applications and enquiries from all areas of the community, reflecting the ethos of this Equality and Diversity Policy. Core prospectus information will be provided in alternative formats on request.

Bury College aims to provide support services during enrolment and on programme to help in the identification of additional student support needs where necessary.

Equality and Diversity training, advice and guidance and support will be provided to ensure that all staff, students understand their duties and obligations in law.

Bury College will protect the confidentiality of disclosure of sensitive matters related to equality and diversity. If information needs to be shared, for example on the grounds of health and safety or criminal law, care will be taken to share only what is necessary and to record what was shared, with whom, and why.

Bury College will neither promote, nor permit the promotion of any one religious faith or culture. All individuals will be expected to adhere to College policies, rules and regulations, regardless of their personal faith or religion. Whilst Bury College resources exist primarily for the delivery of learning activities; arrangements will be made, where this is practicable, for staff or students to carry out essential religious observance. Dedicated facilities cannot be provided for particular faith groups. It will be at the discretion of Bury College whether lettings arrangements can be entered into with external faith based organisations.

Arrangements will not be entered into where such an organisation seeks to promote others to its cause and where the event or activity is barred to those of different faiths or no faith.

Staff who believe they have not been treated in accordance with the Equality and Diversity Policy may wish to make a complaint. This may be made either informally or formally in accordance with the Human Resources Policies and Procedures.

Bury College will consider it to be a disciplinary offence under this Policy if any employee makes a false accusation against another employee regarding an alleged breach of the Equality and Diversity Policy.

Students who believe they have not been treated in accordance with the Equality and Diversity Policy may wish to make a complaint. This may be either informally or formally in accordance with Bury College Compliments and Complaints Policy and procedure.

HR are responsible for dealing with complaints under this Policy in regards to staff. The Director of Personal Development is responsible for complaints in regards to students. While it may be appropriate to deal with a complaint informally, it must be noted that any breach of the Equality and Diversity Policy may be grounds for disciplinary action under the Student/Staff Code of Conduct and Student/Staff Disciplinary/Capability Policy.

#### **4. Our legal obligations**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, gender, gender reassignment, pregnancy, maternity, race (which includes skin colour, nationality and ethnic or national origins) sexual orientation, religion or belief, or because someone is in a married or civil partnership. These factors are defined as 'protected characteristics' in the Equality Act 2010.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. As a service provider, the College has an obligation to think ahead and address any barriers that may impede disabled people from accessing the College as a place of study or work.

#### **5. Types of unlawful discrimination (as defined in the Equality Act 2010)**

Different types of discrimination are explained in the Equality act 2010 and these include:

##### **Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic.

##### **Associative discrimination**

Associative discrimination applies to race, religion or belief and sexual orientation and has been extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### **Discrimination by perception**

Applies to age, race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

### **Indirect discrimination**

Indirect discrimination applies to all protected characteristics **except** pregnancy and maternity. Indirect discrimination occurs when there is a condition, rule, policy or practice that applies to everyone but disadvantages people who share a particular protected characteristic

### **Harassment**

Harassment is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Individuals can complain of behaviour they find offensive even if it is not directed at them and they do not possess the relevant characteristic.

## **6. Responsibilities**

Overall responsibility for the application of the 'Equality Diversity and Inclusion Policy is with the Governors, Principal and Senior Leadership Team.

It is also the responsibility of all the members of the College community to promote equal opportunities, avoid discrimination and endeavour to work towards the practical application of this scheme. Every member of the college community is informed of their obligation to uphold the scheme and not to discriminate on the areas covered by the protected characteristics within the scheme.

### **Governors are responsible for ensuring that:**

- All groups are given an equal opportunity to be members of the Corporation; and the Corporation continues to keep relevant skills, experience and representation under review to maintain a balanced membership.
- The College's values and objectives include a full commitment to Equality and Diversity.
- Equality and diversity training and development features as part of the College's strategy for staff development.
- They are aware of the Corporation's responsibilities in relation to legislation as an employer and service provider
- They receive and respond to monitoring information associated with the 'Equality, Diversity and Inclusion'
- They receive and respond to updates relating to the equality act 2010



- They strive to ensure that membership of the governing body reflects the diversities of the communities supported by the College.
- They receive and respond to monitoring information on staff via the Resources Committee
- They receive and respond to reports relating to participation, retention, achievement and success rates for students by gender, ethnicity and disability via the Curriculum and Quality Committee.

**The Principal & Senior Postholders are responsible for:**

- Providing a consistent and high-profile lead on equality and diversity issues
- Promoting and ensuring that the Equality, Diversity and Inclusion is implemented and reported on.

**Managers are responsible for ensuring that:**

- The Principal and Senior Leadership team are leading in creating a positive, inclusive ethos that challenges discriminatory attitudes and behaviours of all stakeholders
- They are aware of the College's statutory duties in relation to Equality and Diversity legislation
- All aspects of the College policies, practices and procedures are assessed for their impact in relation to equality issues
- Data is regularly and systematically collected, analysed, reported and responded to and targets set via self-assessment and continuous improvement planning.
- Curriculum teams assess performance in relation to equality and diversity issues and take positive action
- All aspects of teaching and learning – curriculum planning, teaching and learning methods, classroom layout and organisation, assessment procedures and educational visits – take account of the need to promote equality
- College publicity materials present appropriate and positive messages about diversity
- Student induction, pastoral and study programmes reflect the College's commitment to advance equality of opportunity and prepare students to live and work in a diverse community.
- Procedures for recruitment and selection and internal appointments are reviewed regularly, data monitored and actions taken as appropriate
- Staff Induction programmes reflect the College's commitment to promotion of equality, diversity and inclusion.
- All staff know their responsibilities and receive relevant and appropriate CPD to support and enhance appreciation of equality and diversity requirements and best practice
- Students, staff, parents and employers are consulted and are aware of the College's response to equality and diversity
- Relevant procedures are in place and action is taken with students or staff who discriminate

**All staff are responsible for ensuring that:**

**They are aware of the College's statutory duties in relation to Equality and Diversity legislation**

- Professional practice in relation to teaching and learning, management or support delivery demonstrates sensitivity to issues of equality and diversity
- They challenge prejudiced and discriminatory behaviour of any stakeholders, students, employers, contractors, visitors or other staff
- Ensure that all bullying and harassment of any kind is reported via the appropriate channels in relation to either staff or students.

**Contractors and service providers are responsible for ensuring that:**

- They comply with legislation on equality and do not discriminate with any individual for any reason covered by this scheme
- They follow the College's Single Equality Scheme and any equality conditions in contracts or agreements.

**Students, their parents/carers and visitors to the College have a proportionate responsibility to:**

- Understand and act in accordance with the Equality Act 2010
- Comply with College Policies and Regulations in relation to equality and diversity.

## **7. Grievances**

If you consider that you have been unlawfully discriminated against, you may use the College's Grievance Procedure (staff) or complaints procedure (students/ other stakeholders).

- Acts of discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence. The College will seek to provide a supportive environment for stakeholders who make claims of discrimination, harassment or victimisation through the appropriate procedure.
- An individual who makes a complaint does not prejudice any statutory right to complain to the courts of an Employment Tribunal or to seek advice from the Commission for Equality and Human Rights or any other appropriate body

## **8. Associated Documents**

- Equality Act 2010
- Equality & Diversity Action Plan 2021- 2024
- Safeguarding and Prevent Policy

- Student Pastoral and Behaviour Policy
- Staff Code of Conduct
- Compliments, Complaints and Suggestions Policy
- Bullying and Harassment Policy
- Grievance Procedure

## **9. Monitoring, Review and Evaluation**

The Equality, Diversity and Inclusion Policy will be reviewed bi-annually using data monitoring and evaluation of results from consultation, surveys and meetings and is integral to the self-assessment process.

An annual report to the Corporation Board will be used to inform best practice and will include data on students and staff by disability, gender, race and age and include reference to religion and sexual orientation, where that information is available.