



# York College

## Equality Policy

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<b>Approved by</b>	SMT
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**York College**  
**Sim Balk Lane, York YO23 2BB**  
**College of Further and Higher Education**  
**Dr Alison Birkinshaw, Principal and Chief Executive**

## **Equality Policy**

### **1. Policy Statement**

York College is committed to equality of opportunity. The aim is to create an environment in which people treat each other with mutual respect, regardless of: age; disability; family responsibility; marital status; race; colour; ethnicity; nationality; religion or belief; gender; gender identity; transgender; sexual orientation; trade union activity; unrelated criminal convictions.

### **2. Purpose of the Policy**

The purpose of this policy is to establish clear College guidance regarding equality and to establish key principles, structures and monitoring arrangements for the College. The guidance will be applicable to Governors, senior managers and all employees and students in the College, contractors, volunteers and visitors.

The College will regularly measure, review and reinforce the effectiveness of the policy through:

- The Single Equality Scheme action plan
- The cycle of Self-Assessment
- Divisional Plans
- Staff and student surveys and data analysis
- Collecting and disseminating examples of good practice
- Monitoring activity

### **3. Supporting Policies and procedures**

The principles and aims of this policy complement and are supported by other policies and procedures including:

#### **For students:**

- Safeguarding Young People and Vulnerable Young Adults
- Able to learn (disability statement)
- Anti-bullying policy and procedure for Students
- Inclusive Learning Policy
- Admissions Policy
- Additional Support Procedures
- Learners Complaints Procedure
- Discipline (students)

#### **For staff:**

- Age Equality Policy
- Disciplinary
- Capability
- Flexible working policy
- Grievance and Mediation

Harassment and Bullying  
Induction  
Maternity Leave  
Parental Leave  
Recruitment and Selection  
Sickness Leave  
Training and Development  
Performance Review

#### **4. Key Principles**

The College believes that all forms of prejudice and discrimination<sup>1</sup> are unacceptable. In recognition of the fact that they can take a variety of forms, depending on the group against whom they are directed, the College Equality Policy will embody the issues specific to discrimination on the grounds of: age, disability, gender, transgender, race, religion and other beliefs, sexual orientation, marriage and civil partnership, pregnancy and maternity.

#### **5. Equality Principles within the Employment Code of Practice**

The College embraces diversity in all of its aspects and aims to employ a workforce, which reflects, at every level, the community, which it serves.

In seeking to achieve a balanced workforce at all levels, the College will ensure that no employee, job applicant or candidate for promotion or training will be disadvantaged, or treated less favourably because of conditions or requirements that are not related to the job. Reasonable adjustments will be made to arrangements and premises to ensure equal access for employees or potential employees who have particular needs or who are disabled.

In order to ensure that all employees and potential employees are treated with equality and fairness at all stages of employment, and that their treatment is based solely on objective and job related criteria, the College will ensure that equality issues are embedded into all its policies, practices and procedures.

Support to employees will be available through the Personnel Services Team as well as via normal line management.

## **6. Equality Principles within the Teaching and Learning Code of Practice**

The College will aim to make courses accessible to as wide a range of students as possible via increased flexibility, modularization of programmes, open/distance learning courses and outreach provision in accordance with the philosophy and practice of inclusive learning.

The College will provide impartial educational careers guidance and counselling to all students and ensure that learners receive appropriate learning support to meet their individual needs.

Support to students will be available through their Personal Tutor or Central Learner Services. Alternatively students may seek advice from the College Counselling Service. Specific support will be provided and/or barriers removed where reasonably practicable to enable a student with a difficulty /disability to use particular facilities or services.

## **7. Scope of the Policy**

The Equality Policy covers all members of the College community.

In ensuring that this policy is fully effective and that all College employees and students are fully committed to it, the College undertakes to work locally in partnership with the recognised trade unions, with work based learning employers, with employees and students in general, in its development and implementation.

## **8. Structures**

The Governing Body designates the Principal as having overall responsibility for equality issues. The Principal will ensure regular reports are made to the Corporation on progress against the Equality and Diversity Self-Assessment Report, Divisional Plan, and the Single Equality Scheme.

There is a College Equality and Diversity Strategy Group chaired by the Principal/Deputy Principal. The membership of the Strategy Group will include representation from the Student Executive, curriculum, business support teams and managers. The Diversity Development Adviser co-ordinate the activities of the Group.

The remit of the Group will be to promote policies and practices that ensure a College environment in which equality flourishes. To this end, it will encourage and support the development of policies, practices and procedures related to the curriculum, student intake, the built environment, student services etc, which seek to ensure the removal of prejudice and discrimination.

It is the responsibility of all staff and students to uphold the College policy on equality.

Employment policies and procedures will continue to be progressed through existing consultation/negotiation arrangements, as appropriate.

The Group will periodically receive equality audits of employment practices, to include, for example: recruitment, selection, training and promotion practices, pay, grading and termination procedures.

## **9. Monitoring**

The College undertakes to conduct comprehensive and effective monitoring of all aspects of staffing and the student body.

Monitoring will be undertaken in accordance with best practice recommendations, particularly from bodies such as the Equality and Human Rights Commission and with regard to data protection and DDA IV Confidentiality principles. The outcomes of such monitoring will be reported on to the Senior Management Team and the Governing Body.

## **10. Employment**

The College is committed to the collection of statistics, analysis of data and presentation of data as well as monitoring on an ongoing basis as employment policy and practices change.

The College will use the two main forms of monitoring, i.e. of the composition of the existing workforce and the recruitment and selection process. Looking at the workforce with reference to age, race, ethnicity, disability and gender, in particular.

The College will also categorise staff according to grade; contract type, i.e. whether full-time or part-time, permanent or temporary; length of time in post; place of work and salary. Records will also be kept of training, performance reviews, promotions, regradings and discretionary pay awards.

After the employment relationship has ended, the College may retain statistics; data about the composition of the workforce, including appraisal and promotion records for the purpose of carrying out equality and diversity monitoring, and may also look at reasons for resignation and resignation rates.

## **11. Students**

The College will monitor all students and potential students in order to inform the setting of targets and the measurement of progress in achieving them. For example, in:

- Applications, success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Work placements including success rates, satisfaction levels and job offers
- Learning Support
- Progression
- Disciplinary action
- Complaints by students or their sponsors.

## **12. Positive Action**

The College undertakes to follow positive action measures allowed by law to rectify disadvantages in employment or education provision revealed by monitoring.

Positive action, allows the College to:

- provide facilities or services (in the form of training, education, or welfare) to meet the particular needs of people from under-represented groups;
- target job training at particular groups that are under-represented in a particular area of work;
- encourage applications from groups that are under represented in particular areas of education or work.

Positive action strategies must be kept under regular review, and they cannot be used once the particular needs have been met, or if under-representation no longer exists. The College will ensure that when using positive action as a strategy, it falls within the law.

### **13. Meeting Our Duties**

The College will seek to ensure through its core values that:

- Governors, staff, students and their sponsors (including work placement providers) are aware of our Equality Policy and the action needed for its implementation;
- Staff, students and their sponsors (including work placement providers) are aware of the value placed upon equality and that action will be taken in the event of any breach of the policy;
- Governors and staff have access to comprehensive information, which assists them to plan, implement and monitor actions to carry out their responsibilities under the policy.

The College will also ensure that publicity materials present appropriate and positive messages about equality and diversity.

### **14. Complaints Procedure**

Any student, potential student, job applicant or member of staff may raise, either informally or formally, complaints of unfair and/or discriminatory treatment. The College will deal with all complaints fully and sensitively. In some cases this may involve initiating disciplinary action.

Complaints from students can be raised through the Complaints Procedure as outlined in the student diary/guide (details are also available through Student Services).

#### **Students**

Support to students is available through their Tutor or Student Services. Alternatively, students may seek advice from the Counselling Service. Specific support may be available to enable a student with a difficulty/disability to use particular services or facilities.

#### **Employees**

Complaints from staff can be made via the Harassment and Bullying Policy or the Grievance and Mediation Procedure (details of both of these policies are available in the Staff Intranet or from the HR Team).

Support to staff is available through the HR Team as well via normal line management.

## **15. Publicising Our Policy and Progress**

To the public (including learners, work placement providers and staff):

The College's commitment to equality and diversity will be highlighted in the prospectuses, all major publications including the annual report and annual financial statement.

The College will publish its Single Equality Scheme and ensuing revised action plans annually.

The Equality and Diversity Strategy Group will regularly publish newsletters and leaflets on the impact of equality and diversity and related legislation on the College.

A summary of the results of monitoring information will be included in the annual report and annual financial statements, where this does not breach individual confidentiality.

## **16. Review**

This policy will be reviewed in accordance with legislative developments and the need for good practice, using the local consultation/negotiating arrangements within the College.

The next review date is: 2013.

## **Appendix 1**

### **Legislative Framework**

Key legislative requirements relating to equality are identified in the following:

#### **Equality Act 2010**

The Equality Act 2010 simplifies the current equality and diversity laws and puts them together in one piece of legislation. From October 2010 all the laws about discrimination will be in one place following the reduction of nine major pieces of legislation\*, and around 100 statutory instruments into a single Act.

\*age, gender, race, disability, sexual orientation, religion or belief and gender reassignment

#### **Protected Characteristics**

The Act identifies nine protected personal characteristics; these are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Marriage and Civil Partnership, and Pregnancy and Maternity. An individual may have a number of these personal characteristics.

**The Equality Duty which arises from the Act creates a single framework which outlaws discrimination against individuals and this includes:**

- direct discrimination
- indirect discrimination
- discrimination arising from disability
- harassment
- victimisation
- failure to make reasonable adjustments in order to accommodate a person's disability.

## Changed definitions and other provisions

### Disability

Under the act a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. There are no impairment categories which were included in the Disability Discrimination Act. Under the Act a claimant does not have to show that their impairment affects a particular capacity such as mobility, speech, hearing or eyesight.

- **Discrimination arising from disability**

It is discrimination to treat a disabled person in a particular way that, because of their disability, amounts to being treated unfavourably when the treatment cannot be shown to be justified. For example, if a disabled person is dismissed after a long period of disability related ill health there may be a claim of discrimination 'arising from disability'. For this to occur the employer/learning provider must know, or could **reasonably be expected** to know, that the person has a disability.

- **Reasonable adjustment**

The Act reinforces the duty to provide reasonable adjustments extending physical features of premises to any provision, criterion or practice such as altering the physical environment, working hours or working arrangements. This is a **positive** duty which means employers/learning providers are required to take active steps in order to reduce disadvantage.

- **Enquiries about disability and health**

The Act brings in new provisions which limit the circumstances when job applicants can be asked about their health prior to the job being offered. The allowed circumstances are, using health questions to:

- i. decide whether there is a need to make any reasonable adjustments for the person in the selection process

- ii. decide whether an applicant can carry out a function that is essential to the job
- iii. monitor diversity among people making applications for jobs
- iv. take positive action to assist disabled people
- v. assure the employer that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

### **Gender Reassignment**

The definition has changed so that people no longer have to be under medical supervision to be protected by the law. Gender Reassignment continues to cover those who intend to live permanently in a gender other than the one assigned at birth.

### **Pay**

- **Equal Pay**

The Equality Act allows for claims of direct pay discrimination to be made without reference to a **real** comparator if evidence can show that a hypothetical person of the opposite sex would receive better remuneration.

- **Pay Secrecy**

The Act makes it unlawful for employers to prevent employees from discussing pay in order to establish if differences in pay exist that are related to protected characteristics. An employer can require employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

### **Extension of employment tribunal powers**

Tribunals can now make recommendations to an organisation that steps are taken to eliminate or reduce the effect of discrimination on employers, not only the claimant.

### **Further legislation**

Rehabilitation of Offenders Act 1974

Human Rights Act 1998

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000  
(Amendment) Regulations 2002

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations  
2002

Racial and Religious Hatred Act 2006

### **Disability, Gender and Race Equality Duties**

The Disability, Gender and Race Equality Duties remain in place. However the equality duties on the protected characteristics of age, sexual orientation, religion or belief and gender reassignment (also known as transgender) are not due to become law until April 2011.

### **The Disability Equality Duty**

The College, in carrying out its functions, undertakes to have due regard to the need to:

- Eliminate unlawful discrimination and disability-related harassment
- Promote equality of opportunity between disabled people and other people
- Take account of people's disabilities, even where that involves treating disabled people more favourably than others
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life.

The College has also been required to:

- Publish a Disability Equality Scheme (DES)
- Review the Scheme every three years and amend where necessary
- Involve disabled people in the development of the Scheme
- Monitor and publish a summary of steps taken under the action plan contained within the Scheme on an annual basis.

The DES has now being fully incorporated within the SES. The College undertakes to provide:

- A statement of how disabled people have been involved
- An action plan which will show how disability equality will be promoted and what practical improvements will be made over the next three years
- An indication of how the College will gather information about its performance.

### **The Gender Equality Duty**

The Equality Act became law in 2006 and introduced new general and specific duties to promote gender equality for education providers.

As part of those duties the general duty required all college staff to have due regard to have the need to:

- eliminate unlawful discrimination
- eliminate harassment
- promote equality of opportunity between men and women including transsexual men and women
- promote positive attitudes.

Additional specific duties required the college to:

- publish a Gender Equality Scheme by 30 April 2007
- prepare and regularly review an action plan outlining the steps the college will take to meet the new duties
- review, revise and publish the Scheme every three years
- impact assess all policies, procedures, plans and proposals.

## **The Race Equality Duty**

The Race Equality Scheme was originally introduced in March 2002 in response to the Race Relations (Amendment) Act 2000 and has subsequently been reviewed, revised and reported on at least annually to the Senior Management Team and Governing Body.

Under the general duty of the RRAA, public authorities are required to have due regard to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people of different races
- Publish a Race Equality Scheme
- To assess those functions and policies which are relevant to the general duty
- Assess and consult on any proposed policies which are likely to have an adverse impact on promoting race equality
- Monitor policies for any adverse impact on the promotion of race equality
- Publish the results of any assessment, consultation and monitoring
- Make sure any ethnic minority communities have access to information and services provided by your organisation
- Review arrangements for complaints relating to meeting duties or other complaints about racial equality
- Train employees in the promotion and development of race equality under the general and specific duties.

## **Appendix 2**

### **Glossary of terms**

#### **Disability**

A disabled person is described in the Disability Discrimination Act of 1995 as one who has 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.

#### **Discrimination**

The term "discrimination" is used in this document to mean less favourable treatment of an individual on any of the grounds listed in Section 1.1.

#### **Diversity**

Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective educational community and workforce.

#### **Ethnicity**

A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics - a shared history which distinguishes it from other groups and a cultural tradition of its own. The expression "ethnic monitoring" is used in reference to groups defined by colour, race or national origin as well.

#### **Gender**

The word '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.

#### **Gender Reassignment**

Gender re-assignment is a process undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex.

### **Genuine Occupational Requirements**

The Sex Discrimination Act and the Race Relations Act and the Religion or Belief Regulations and the Sexual Orientation Regulations allow for circumstances where a person's sex, racial group, religion or sexual orientation is a genuine requirement for a particular job.

### **Harassment**

Behaviour which is unwelcome or unacceptable and which results in the creation of a stressful or intimidating environment for the victim amounts to harassment. It can consist of verbal abuse, racist jokes, insensitive comments, leering, physical contact, unwanted sexual advances, ridicule or isolation.

### **Liability**

Employers have legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonably practicable steps to prevent it.

### **Sexual Orientation**

Whether a person is attracted to people of their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexuality are also covered by law.

### **Targets**

These can be percentages of underrepresented groups that employers or education providers aim to achieve in the make up of learners and/or their workforce as part of their 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 (see 'Positive Action' in Employment Practices section).

### **Transsexual**

See 'Gender Reassignment' .

### **Victimisation**

If a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so or it is suspected that they intend to do so.