

## **Equality Policy**

### **1. Policy Statement**

York College is committed to an equality of opportunity **that is an integral part of** College life. 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; sexual orientation; trade union activity; unrelated criminal convictions; other irrelevant criteria.

### **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 learners in the College, contractors, volunteers and visitors.

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

The cycle of Self-Assessment/Annual Operating Plan  
Employee and Learner surveys and data analysis  
Collecting and disseminating examples of good practice  
The Investors in People Review Process  
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 Learners:**

Able to learn (disability statement)  
Inclusive Learning Policy  
Admissions Policy  
Additional Support Procedures  
Learners Complaints Procedure  
Discipline (Learners)

#### **For Staff:**

**Age Equality Policy**  
Discipline (Employees)  
Capability  
Job Share policy  
Grievance  
Harassment  
Induction

Maternity Leave  
Parental Leave  
Recruitment and Selection  
Sickness Leave  
Training and Career Development

#### **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, race, religion and other beliefs and sexual orientation.

#### **5. Age**

The College recognizes that people can develop throughout their lives and that an individual's life experiences add value to their role as a member of the College community and their personal learning experiences.

In support of this statement the College will:

#### **Review, revise and monitor the Equality Scheme**

promote actively and support educational achievement for people of all ages;  
welcome job applications from all age groups and select on the basis of specified skills and abilities;  
promote positive images of achievement by people of all ages that recognize and celebrate the knowledge and experience, which people bring to their learning throughout life.

#### **6. Disability**

The College will make reasonable adjustment to arrangements, facilities, and support in order for a disabled person to participate in the recruitment and selection process or learning experience. This includes, but is not exclusive to, potential staff and learners with physical, sensory or mental impairments as defined by the Disability Discrimination Act.

In support of this statement the College will:

#### **review , revise and monitor the Disability Equality Scheme** and action plan;

actively engage with a wide range of disabled people and seek their views regarding the policies, practices and procedures of the College;  
value positively learners' achievements and support them to realize their full potential;  
assess all potential learners or job applicants on their individual merits and their ability to undertake employment/training/education successfully;  
provide an inclusive learning experience which is challenging, intensive and adds clear value;  
provide adjustments to enable disabled staff to work and develop in their posts;  
encourage and enable disabled learners to progress and to achieve appropriate outcomes;

equality policy – 2007

make reasonable adjustments to ensure learners with learning difficulties and/or disabilities are supported;  
celebrate success of learners and staff.

## **7. Gender**

The College's aim is to create a supportive environment for men and women, which is conducive to excellent practice in education, training and employment.

In support of this statement the College will:

### **Review, revise and monitor the Equality Scheme**

take positive action to develop equality of opportunity in all areas of College activity for learners and potential learners, employees and potential employees; encourage applications from potential learners and potential employees into non-traditional areas of work or study so that gender stereotyping becomes the exception;  
work towards addressing gender imbalance in some areas of work and/or learning.

## **8. Race**

The College seeks to create a working and learning environment based on positive relations between members of different racial groups. The aim is to create a positive inclusive ethos with a shared commitment to respecting diversity and difference, and to encouraging good relations between people of different groups.

In support of this the College will:

### **Review, revise and monitor the Equality Scheme**

consult with employees and learners from different racial groups;  
**ensure that staff and learners are aware that incitement to racial hatred will not be tolerated**  
provide diverse images in any material which it produces for learners and staff;  
assess the impact of its policies on learners and staff from different racial groups;  
monitor the admission and progress of learners and the recruitment and career progress of staff by racial groups;  
set out the College's arrangements for publishing the results of assessments and monitoring;  
publish annually the results of assessments and monitoring where reasonably practicable.

## **9. Religion**

The College respects the rights of individuals to hold different religious or philosophical beliefs.

In support of this the College will:

**Review, revise and monitor the Equality Scheme**

work to create a learning and working environment, which is welcoming and supportive of people of all religious and other beliefs; respect and, where necessary, provide for the practices, which support the religious beliefs of learners and/or employees. For example, the setting aside of a suitable place for prayer and other religious observances  
**ensure that staff and learners are aware that incitement to religious hatred will not be tolerated**

**10. Sexual Orientation**

**Review, revise and monitor the Equality Scheme**

The College believes that a person's sexuality does not generally have any bearing on their ability or suitability for employment or learning opportunities

In support of this the College will:

encourage an openness of approach to all potential job applicants and learners; raise awareness and understanding of staff and learners; respect the sexual orientation of all employees and learners.

**11. 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 and procedures.

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

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

The College will aim to make courses accessible to as wide a range of learners 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 learners and ensure that learners receive appropriate learning support to meet their individual needs.

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

### **13. 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 learners 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 learners in general, in its development and implementation.

### **14. 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 **Annual Operating Plan, the Disability Equality Scheme and the Equality Scheme.**

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

The remit of the Committee 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 related to the curriculum, learner intake, the built environment, student services etc, which seek to ensure the removal of prejudice and discrimination.

It is the responsibility of all employees and learners to uphold the College policy on equality.

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

The Committee will periodically receive equality audits of employment practices, to include, for example: recruitment, selection, training and promotion practices, pay, grading, termination procedures. The monitoring of staff will be undertaken in co-operation with the recognised trade unions as will the drawing up of a programme of equality training for staff.

The Committee will monitor the Equality and Diversity Impact Measures (EDIMs), analyse the statistics produced, develop action plans and propose positive action where necessary.

## **15 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 Commission for Equality and Human Rights, the Commission for Racial Equality (CRE) and with regard to data protection and DDA IV Confidentiality principles.

## **16. 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 process. Looking at the workforce with reference to age, race, ethnicity, disability and gender, in particular.

The College will also categorise employees according to grade; contract type, i.e. whether full-time or part-time, permanent or temporary; length of time in post; place of work, 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.

## **17. Learners**

The College will monitor all learners and potential learners in order to inform the setting of targets and the measurement of progress in achieving them. In particular the age, gender, disability and racial group profile of learners in:

Applications, success and failure rates for admission to programmes

Retention rates  
Achievement rates  
Work placements including success rates, satisfaction levels  
and job offers  
Disciplinary action  
Complaints by learners or their sponsors.

## **18. 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 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.

## **19. Meeting Our Duties**

The College will seek to ensure that:

- Governors, staff, learners and their sponsors (including work placement providers) are aware of our equality policy and the action needed for its implementation;
- Staff, learners 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.

## **20. Complaints Procedure**

Any learner, potential learner, job applicant or employee 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 learners can be raised through the Complaints Procedure as outlined in the student diary/guide (details are also available through Student Services).

### **Learners**

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

### **Employees**

Complaints from employees can be made via the Harassment Policy or the Grievance Procedure (details of both of these policies are available in the Staff Handbook or from the Personnel Services Team).

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

## **21. 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 Disability and Equality Schemes and ensuing revised action plans.**

The Equality and Diversity Committee 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.

## **22. Review**

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

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.

Positive discrimination is allowed under the terms of the Disability Discrimination Act

## **Appendix 1**

### **Legislative Framework**

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

Disability Discrimination Act 1995 Parts I to III  
Disability Discrimination Act Part IV (2001)  
Disability Discrimination Act 1995 (Amendment) Regulations 2003  
Disability Discrimination Act 2005

Rehabilitation of Offenders Act 1974

Equal Pay Acts 1970 and amendment 2003

Human Rights Act 1998

Race Relations (Amendment) Act 2000

Race Relations Act 1976 (Amendment) Regulations 2003

#### **Racial and Religious Hatred Act 2006**

Sex Discrimination Act 1975 and 1986

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

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

#### **Employment Equality (Sexual Orientation Regulations) 2003 Amendment Regulations 2007**

#### **Employment Equality (Religion or Belief) Regulations 2003 Amendment Regulations 2007**

Employment Equality (Sex Discrimination) Regulations 2005

Employment Equality (Age) Regulations 2006

#### **Equality Act 2006**

## **Appendix II**

### **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.

#### **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.