

Title:	Equality Policy
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Associated documents/policies:	<ul style="list-style-type: none">• The Equality Act 2010• Public Sector Equality Duty• Complaints Procedure• (Staff and student) Disciplinary and Grievance Procedures• Admissions Policy• Student Risk Assessment Policy• The Quality Improvement Action Plan• (Student and governors) Code of Conduct and Conduct Policies• (Students) Bullying and Harassment Policy• (Staff) Dignity at Work Policy• Pay Policy• Maternity/Paternity/Parental Leave Policy• Leave Policy• <i>Disclosure of Support Needs Policy and Procedure/ Inclusion Policy?</i>• Confidentiality Policy• Institute for Learning Code of Professional Practice• LSIS Guide to the new Equality Act 2010• LSIS Guide: Equality, Diversity and Governance

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Equality Policy

1 Context and Objectives

The college is committed to going beyond compliance with Equality law to being a proponent of best practice in all aspects of equality and diversity. Essentially the college aims to create and maintain an inclusive organisation where all can work, learn and reach their full potential.

The objective of this policy is to outline the college's approach to fulfilling this commitment and to make it clear to all parties what they may expect from the college and what the college expects from them. The policy provides explanations and definitions of relevant terms.

The contents of this Equality Policy reflect the streamlined, harmonised and strengthened content and requirements of the Equality Act 2010 and the college's statutory responsibilities under the Public Sector Equality Duty. The Act, identifies nine 'protected characteristics'. These are:

- **Race** (nationality, ethnic background or heritage)
- **Disability** (physical or sensory impairments, mental health difficulties, long term medical conditions, learning difficulties, neuro diverse conditions such as dyslexia, autism, Tourette's or ADHD)
- **Sex** (women, men)
- **Gender reassignment** (Transsexual people, transgender people, men and women with a transsexual history - see also section 16)
- **Age** (older people, younger people)
- **Sexual Orientation** (gay and lesbian people, bisexual people, heterosexual/straight people)
- **Religion/belief** (people from different faith groups, people with a philosophical belief, people with no religion or belief)
- **Pregnancy/maternity** (pregnant women, people on maternity leave, women who have recently given birth)
- **Marriage/civil partnerships** (married people, people in a civil partnership, single people)

All nine protected characteristics are covered in the employment duties of the Act. The protected characteristic of marriage and civil partnerships is not included in the education duties of the Act.

The Act, and this policy, recognises the following types of discrimination:

- Direct discrimination, including association and perception discrimination

- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- Failure to make reasonable adjustments

These are further defined in Appendix 1.

This policy outlines how the college intends to fulfil its **general duty** to give due regard to

- eliminating discrimination, harassment and victimisation
- advancing equality of opportunity between those who share a relevant protected characteristic and those who don't.
- fostering good relations between those who share a relevant protected characteristic and those who don't.

and its **specific duties** to report on progress with the general duty and to set and publish equality objectives.

2 Scope

The commitments within this policy apply to all learners, staff, governors, volunteers and users of the College. The policy also forms the standards the College sets for work with other organisations and visitors in providing equality, for example work experience placements, employers, collaborative partners and contractors.

3 Policy and Procedures

The College publishes a Strategic Plan to outline the college's mission and values and an annual Quality Improvement Action Plan. These will identify local and national priorities in promoting opportunity for all and demonstrate the actions the College will take to meet this. Alongside this the college has developed this Equality Policy, will publish equality objectives, will produce a related action plan and report on progress against the objectives.

4 Management of the Policy, Accountability and Compliance

- 4.1i The Governing Body carries the ultimate responsibility, under the law, for ensuring that the college meets the requirements of equality legislation. The authority for this is delegated to the Principal and Chief

Executive, who in turn has designated the Deputy Principal to take the strategic lead for championing equality, diversity and inclusion. This role is shared with the Director of Human Resources in regard to the college as an employer. However all staff have the responsibility to uphold the policy, comply with the law and to support the college in fulfilling its duties and implementing the Equality action plan.

- 4.1ii** The objectives and related action plan will be reviewed at least annually by the, College Management Team and Corporation. Updating will take place after consultation with stakeholders – learners, partners, and, where applicable, specific groups. They will be continuously adapted to reflect new developments, legislation and the demands of current circumstances. Review will lead to changes in actions and their priorities.
- 4.1iii** College Management Team members will take shared responsibility for setting and agreeing actions to achieve targets within the action plan and to embedding equality and diversity in all aspects of their team’s work.
- 4.1v** The College will not tolerate abuse, prejudice, harassment and bullying and will use the appropriate disciplinary policy to investigate and address any incidents. The College will ensure that codes of conduct for students and staff explicitly state that discriminatory practices will not be tolerated. Posters and notices will be displayed in prominent locations to this effect.

All staff are expected to challenge prejudice if they encounter it in the course of their duties.

4.2 Involving Stakeholders

- 4.2i** Equality of opportunity and inclusivity is, and will continue to be, at the heart of the college ethos. The College will seek to involve and consult with its community and make consultation accessible as far as is practicable.
- 4.2ii** Consultation on the development and implementation of the Equality Policy will involve individuals and groups as well as the formal groups and committees of the College such as the Corporation, Senior and Middle Management teams, Equality, Diversity and Inclusion Committee, staff and student forums and surveys.
- 4.2iii** The College believes that effective involvement of learners in the College’s activities will have a positive impact on learner

achievement, employability and citizenship. Involvement of learners will also raise the quality of the College's provision for learners, customers and potential learners. Therefore it has a Learner Involvement Strategy which details how this will be achieved. Learner led societies/action groups which focus on ensuring equality or celebrating diversity will be particularly encouraged and supported. The Students' Union executive includes an Equalities Officer, who represents the Union on the college's Equality, Diversity and Inclusion Committee.

5 Partnerships and Contracts

All organisations who are being sub contracted by the College to deliver learning, are required to provide copies of their Equal Opportunity Statements as part of the procurement process. This will enable monitoring of outcomes against the standards set out in the contract.

Other contractors are expected to comply with the college's Equality Policy when engaged on college business.

6 Key Partners and Specialist Support

Bath College has close working relationships and partnerships with local and national organisations that share the College's commitment to equality and diversity and provide specialist advice and support. These organisations include:

- Bath Inter Faith Group
- Bath Educational Trust
- Bath and North East Somerset Council
- Black Families Education Support Group
- Bath Racial Equality Council
- Stonewall
- NUS
- RNID
- MIND
- MENCAP
- Connexions
- Independent Specialist Providers e.g. Farleigh Further Education College
- Avon and Somerset Police
- Primary Care Trusts
- National Association of Managers of Student Services

- Government funding agencies
- Awarding bodies

7 Publication Scheme

This Policy will be published on the College's Website and Staff intranet. A summary will be published in the Student Handbook. A summary, with links to the full policy, will be provided to all staff and governors on appointment. The scheme is also available in alternative formats, which can be requested through the College.

8 Staff Training and Awareness

The College will provide periodic training and awareness raising to staff and governors through:

- Materials and information on an Equality and Diversity site on the college intranet, on 'Moodle' and in the Library
- A range of training sessions on a staff development day
- Providing 'good news' feedback to governors, staff and learners through various media
- 1:1 Coaching in how to effectively embed Equality and Diversity in the curriculum
- Support in dealing with any issues that arise

9 Teaching and Learning

10.1 All courses and learning activities provided by the college will have equality and diversity embedded in their content and delivery. Resources, learning materials, case studies, projects and learning activities will reflect and promote equality and diversity whether or not this is included in awarding body criteria.

10.2 All teachers will review schemes of work, lesson plans, course materials and learning strategies to ensure teaching:

- Takes account of the diverse learning needs, styles and preferences of learners
- Validates the diverse perspectives of learners

- Is anti-discriminatory and teaches learners about their rights and responsibilities to each other in the classroom, the workplace and wider society
 - Fosters understanding of how stereotyped attitudes and prejudiced thinking damage relationships, hinder communication and are therefore bad for education and business
 - Acknowledges and celebrates the contribution of men and women of all backgrounds, ages, cultures and religions to human progress in all fields.
- 10.3** All teachers will make it clear to learners that any work submitted for assessment, uploaded on to the internet with any association to the college or carried out on college premises or equipment must not include any discriminatory content or promote any organisation which breaches the commitments within this policy and equality legislation.
- 10.4** The College has a role in promoting good practice in equality and diversity in the workplace. Work-based assessors will monitor equality and diversity through progress reviews and meetings with learners and employers/workplace supervisors. The College expects that an employer with a work-based learner will have an equality and diversity policy or formally agree to comply with that of the college. The College will work alongside its partner employers to improve equality and diversity in the workplace and to eliminate discrimination.
- 10.5** The quality of the promotion of Equality and Diversity will be assessed through SARs, internal and external verification, observation of teaching and learning and through analysis of trends in student data.
- 10.6** Individual learners will have their learning and personal support needs identified and met through effective planning, reasonable adjustments and the involvement of support staff or specialist agencies. Teachers, assessors and support staff will act as positive role models in the learning environment and will routinely challenge any unacceptable behaviour or language, whether or not learners from any of the protected groups are present.
- 10.7** The student induction and enrichment programme will include information and activities which make the college's commitments under this policy very clear and help to raise learners' general awareness and understanding. Equality and diversity will feature as a standing agenda item at all course rep meetings.

10 Admissions

Applicants to the College will not be discriminated against on the basis of any of the protected characteristics or association with them. The College has an important role in promoting participation in education and training for minority groups, therefore, applications from people from minority groups will be welcomed and, wherever possible, reasonable adjustments made to ensure the College can meet their need.

11 Publicity, Marketing and Published Images

The College will ensure that it has no negative imagery of individuals in its publications and, wherever possible, will provide positive images of people covered by the protected characteristics within the Equality Act 2010.

12 Monitoring and Reporting

Data is based on self-declaration by staff and students. Every effort will be made to reduce the category of 'not known/not provided' to increase the validity and analysis of data. However the College respects the right of an individual not to declare.

Information is used for statistical reporting, informing the provision of reasonable adjustments for people with a learning difficulty or disability, analysing equality and action planning for quality improvement. The information is held for no other reason and reporting in a public forum is not individual and recognisable.

Reports will be produced to the following bodies:

- Equality, diversity and Inclusion committee
- Senior Management Team
- Governors

In addition, departmental data of performance by different groups will be analysed regularly with Heads of Department.

13 Responsibilities

Governors are responsible for ensuring that:

- Positive action is taken to ensure that the membership of the Corporation reflects the diversity of the communities served by the College.
- They are aware of the college's responsibilities as outlined in this policy and equality legislation.
- They monitor the college's provision by reference to the performance and representation of different groups of learners and staff
- They carry out equality analysis of all major strategic decisions

The Senior Management Team is responsible for ensuring that:

- The College's strategic plan includes a commitment to equality of opportunity
- The Quality Improvement Action Plan incorporates the annual Equality Action Plan
- The college recruits and retains an inclusive and diverse workforce which is appropriately developed to ensure each individual has the opportunity to achieve their full potential
- Comprehensive and transparent equality impact assessments are carried out as an integral part of the business cycle

The College Management Team is responsible for ensuring that:

- They are aware of this policy and duties in relation to all of the protected characteristics and the college's general duties under the Equality Act
- All programmes of learning offered, whether existing or new, will be regularly reviewed through the SAR and curriculum planning processes to examine how far they meet the needs of all students with particular reference to equality of opportunity.
- Learners' participation, attendance and success is monitored annually and appropriate action taken if necessary to target under-represented groups
- Teaching observation reports include an evaluation of how successfully equality and diversity is promoted
- Internal verification procedures include scrutiny of equality and diversity
- Schemes of work, lesson content and teaching resources of staff within their areas are reviewed against the commitments within this policy and take action to make improvements or adjustments accordingly

- Service Support areas analyse their service and resources against the commitments within this policy and take action to make improvements or adjustments accordingly

Staff are responsible for ensuring that:

- They are aware of this policy and duties in relation to all of the protected characteristics and the college's general duties under the Equality Act
- They demonstrate sensitivity to issues of diversity and that they attend staff training to support them in this area
- They challenge inappropriate behaviour by all people on its premises
- Visitors and contractors comply with the policy

Learners are responsible for ensuring that:

- They attend induction, enrichment and tutorial activities concerning equality and diversity and fulfil their responsibilities towards other learners and members of staff
- Their coursework reflects sensitivity to issues of equality and diversity and does not include any discriminatory content
- They do not use any of the college equipment or resources to produce or research material in such a way that could be considered discriminatory or in opposition to the commitments within this policy
- They refer cases of inappropriate behaviour by any staff, visitors or fellow students to a member of staff.

14 Promoting Trans Equality (see appendix 5)

Since this may be an area in which staff and students have less knowledge and understanding, this policy includes this specific statement:

The College welcomes applications from staff and students irrespective of their gender identity or gender reassignment. It recognises the need to respect an individual's right to work or study with dignity, to respect their personal identity and name and for their privacy and confidentiality.

The College will:

- Refer to trans people by the gender in which they live rather than by their birth gender.

- Not pass on information about a trans person's Gender Recognition without their consent
- Ensure all records of someone who has a Gender Recognition Certificate reflect their legal gender and no reference to their previous gender is held, or passed on to third party.
- Grant time off for gender reassignment treatment on the same basis as for sickness or injury
- Maintain any records of a person's previous gender securely and for access by a named person (Director of Human Resources or the Principal).

Appendix 1: Definitions (source: LSIS guides)

Equality is about creating a fairer society where everyone can participate and have the opportunity to fulfil their potential – to live as equal citizens in society free from discrimination and harassment.

Diversity is about respecting, valuing and celebrating aspects that make us unique as individuals – recognising that we contribute to society because of these aspects, not in spite of them.

Direct Discrimination happens when someone is treated unfairly, or less favourably than another person, because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice. The Equality Act 2010 extended the definition of direct discrimination to cover **association discrimination** or **perception discrimination**. This is direct discrimination against someone because they associate with a person who has the protected characteristic or because they are perceived to have a protected characteristic.

Indirect discrimination happens when a ‘provision, criteria or practice’ is applied that appears to affect everyone equally but which in fact puts people who share a protected characteristic at a disadvantage.

Harassment happens when someone who behaves in such a way that their conduct has the purpose or effect of creating an environment that is hostile, degrading, humiliating or intimidating. **Sexual harassment** can include unwelcome sexual advances, touching, sexual jokes, displaying pornographic images and sending e-mails of a sexual nature etc).

Victimisation happens when someone experiences disadvantage because they have supported someone in making a complaint or an allegation of discrimination or because they have personally made a complaint or allegation.

Appendix 4: Equality objectives

Equality Objectives

The College has identified a number of equality objectives for the 4 year period April 2012 to April 2016. In summary, these are:

- To increase success rates on all level 1 long programmes to match or exceed national averages.
- To increase male success rates to match those of females at all levels and across all subject areas.
- To demonstrate consultation with learners with protected characteristics so that there is meaningful and evidenced contribution to equality impact assessments and key strategic decisions.
- To ensure that student satisfaction rates, as evidenced through student surveys are as high for students with protected characteristics as those without.
- To increase by 4% the percentage of Black and Minority Ethnic staff to bring it closer to that of the student cohort
- To collate a comprehensive staff database of the protected characteristics identified by the Equality Act 2010 to enable effective monitoring of the college's compliance with the Act's general duties.

Appendix 5

Transgender guidance for staff supporting students

This guidance aims to provide advice to tutors and teaching staff who are supporting a student who is changing gender identity (transitioning) or has already changed to their chosen gender. The decision to transition to a different gender is a major step for any individual and the support of staff and students is crucial.

A flowchart in Appendix A is provided to give an easy to see chart of the steps needed. Each individual will be different so while this guidance covers key points it is important to be flexible and to adjust to the circumstances of the student concerned.

Values and support

The College welcomes applications from staff and students irrespective of their gender identity or gender reassignment. It recognises the need to respect an individual's right to work or study with dignity, to respect their personal identity and name and for their privacy and confidentiality.

The College is committed to a culture where all students do not experience discrimination or harassment and will fully support a student who wishes to change gender. The promotion of a respectful and inclusive community is one of our core values.

The College recognises that the issues around a change of gender can raise concerns for the student involved and for other staff and students. The aim is to provide a learning space where concerns can be discussed in a supportive way while maintaining appropriate confidentiality.

Some people transition from one gender to their preferred gender with ease but others may take an extended time. Some people will transition to the preferred gender full time while others might choose to live in their preferred gender part time. There are many reasons why a person may not transition permanently to their preferred gender and it is important for the College to be flexible and supportive and stand clearly against any discrimination or harassment.

Terminology

A brief guide to some of the key definitions is given in Appendix B.

Applicants

If an applicant has fully transitioned before applying to the College the College will always treat the student as being of the acquired gender.

First steps - Declaring an intention to transition

A student may approach a tutor or teaching member of staff or a manager to state their intention to transition. At this point the first steps are to:

- Make it clear that the College will fully support the student
- Arrange a meeting to discuss how the College can support the student and invite the student to bring a friend/mentor if they wish
- Notify the appropriate manager – Head of Department

Supporting a student who is transitioning – Meeting

The purpose of the support meeting is to support the student which will cover the practical issues and manage the reactions of other students and staff.

Areas to discuss are:

- The date of transition - agree the point when the student will begin to live day to day in the acquired gender
- Name – once the chosen name is available it should be used all the time along with the appropriate pronoun (he or she) for the chosen gender. If you are not sure about names and pronouns ask the person for their preference
- Legal proof of name change – a statutory declaration of name change or deed poll - to allow the College to make changes to the student's registered name
- The date the College will change the name and gender on all student records and public references – student identity card, email address, contact details, academic records - and who is responsible for this
- A gender recognition certificate gives the right to request that all references to a former name and gender are removed and records changed - eg letters replaced with new letters in the new name, meeting minutes changed and so on. All records on paper files must be found and replaced with new records
- How and when other students and staff will be informed of the decision
- What briefing or training for students and staff might be helpful and who will provide this
- Arrangements for the time off required for appointments, surgery or recovery from surgery where appropriate. This can vary greatly depending on the individual and the type of transition the student has chosen
- Allowance for any side effects of medication – eg temporarily reduced hours
- Ways to minimise the impact on the student's progress – eg adjustments to attendance and assessment deadlines, providing extra support online (Moodle), whether a student might wish to defer part of a programme
- Single sex facilities – the student should have access to the changing rooms and toilets of the acquired gender. Consult the student on how

helpful it might be to discuss and explain this to other students and staff who use the facilities. It is not acceptable to restrict the student to the use of the College's unisex/disabled facilities, though the student may choose to use these initially.

- Let the student know about the support available via the Students' Union LGBT group, and the local community groups for trans people (see Appendix C) and counselling services
- The route for reporting any problems should be agreed eg a Head of Department
- Dates for reviewing the progress of the action plan

Managing the reactions of students and staff

The student may wish to tell the other students and staff about the plans to transition individually or may choose to have a chosen representative do this.

It could be helpful to arrange meetings with the students and staff who interact with the trans student. Additional training and support can also be provided in consultation with the student.

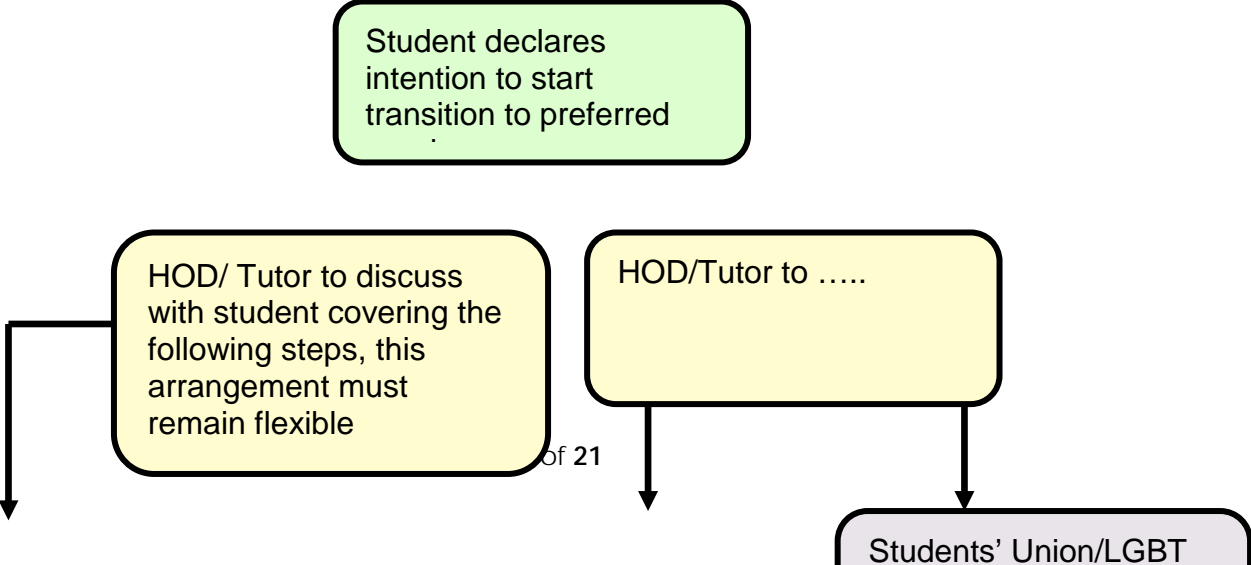
Guidance can be circulated to staff and students – though no individual details should be circulated by email.

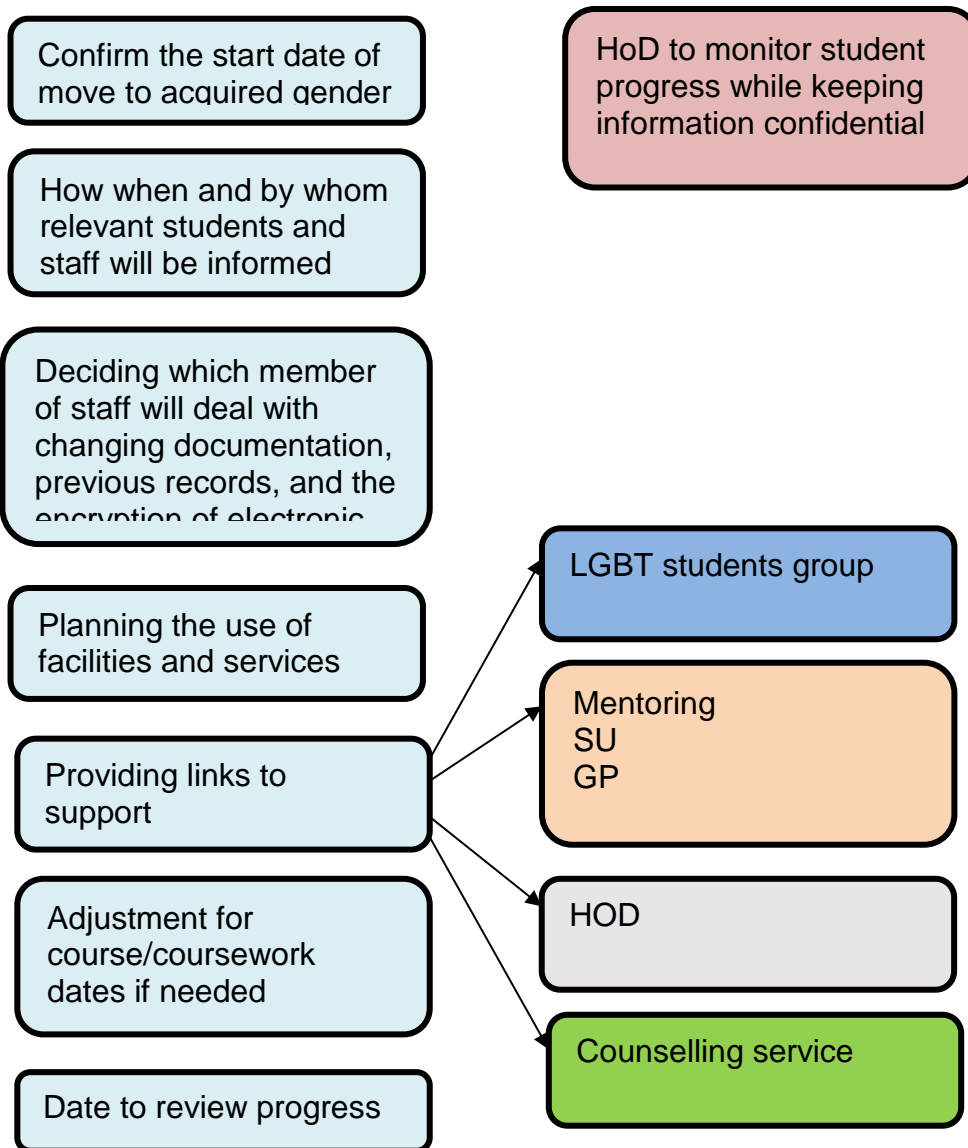
There should be an opportunity for students and staff to ask questions or raise any issues.

A senior member of staff (Vice Principal of Quality and Students) needs to promote a clear message of support and the College's approach and commitment to an inclusive and respectful learning environment.

Remind staff and students that information concerning a person's gender recognition is confidential and 'protected information' which should not be disclosed to a third party without the trans person's consent.

Appendix A
Gender identity – student flowchart





Terminology

The terminology concerning transgender is evolving as the perceptions and understanding of this area are changing. This is a basic guide to some of the common usages.

Acquired gender

The chosen/preferred gender of a person who has changed gender by socially transitioning and having their gender reassigned or by legal recognition of the new gender. This can be with or without medical assistance.

Gender

The female or male role that a person lives and interacts with others in the community.

Gender identity

The gender that is the internal perception and experience of an individual. Some people experience a gender identity that does not match or is inconsistent with their birth/anatomical gender.

Gender variance

A person with gender variance may feel that their gender identity is different from their birth gender or anatomical gender. The sex differentiation of the brain may be inconsistent with the birth gender and the person can experience anxiety and uncertainty over their birth gender. The person does not have the stereotypical gender experience and expression.

Gender presentation

The appearance, clothing and personality on show that shapes the perceptions of others on the gender of the individual.

Gender reassignment

The process to acquire a new gender which can include social, legal and medical adjustments.

Real-life experience

The period when an individual lives, studies and works in the acquired gender before they can start medical treatment.

Trans people or transgender

An inclusive term used for people whose gender experience lies outside of the conventional gender boundaries.

Transition

The permanent change of gender role in the social, learning and work aspects of life. Some people make an overnight change while others do so gradually over a period of time.

Appendix C

Useful links and further information

GIRES

Gender Identity Research and Education Society
www.gires.org.uk

Mermaids

Support for young people with gender identity issues
www.mermaids.org.uk

Transgender Information South West

http://southwestforum.org.uk/sites/default/files/u1760/eq_lgbtdirectory.pdf

Trans staff and students in higher education – revised 2010

Equality Challenge Unit

<http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised/>