

DOCUMENT DETAILS

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Applicability	The policy covers all aspects of the College's academic and business functions and applies to all members of the Nottingham College community, including students, staff, governors, visitors, and parents/carers; and those contracted to work at, or for, the College including sub-contractors and employers.
Summary	The EDI policy sets out the requirements and responsibilities of the College for ensuring and advancing, equality for all members of the College community in accordance with the Equality Act 2010 and the Public Sector Equality Duty 2011.

DOCUMENT CONTROL

Version history			
Version	Date	Reason for release/version update	Issued by
1.0	12.12.16	Policy to cover the whole of Nottingham College	Human Resources
2.0	10.12.18	2-year review cycle	OD & HR

DOCUMENT APPROVAL

Approving person/body	Job Role (where applicable)	Date Approved
College Board		12.12.16
EDI Committee	Committee Approval	06.11.18
College Board	Final Approval	21.01.19



COMMUNICATION / DISSEMINATION

Who needs to be aware of this policy	Job Role (where applicable)	For what reason
All Nottingham College employees and students	All roles	To comply with the policy and support its implementation
Partners, Suppliers		To adhere to the policy

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Equality, Diversity and Inclusion Policy

1. Context

- 1.1 Nottingham College is working towards the creation of a supportive and inclusive working and learning environment which is free from discrimination, where there is mutual respect and equality for all, and where differences are celebrated and respected. The organisation is proud of its diversity and values the way this enriches the life of the College and the experiences of all its community.
- 1.2 The Equality, Diversity and Inclusion (EDI) policy is set within the context of the College's mission, values and strategic priorities. Equality objectives are set and published at four yearly intervals and are addressed by a comprehensive EDI action plan which also implements the aims of this policy.

2. Purpose

- 2.1 The EDI policy sets out the requirements and responsibilities of the College for ensuring and advancing, equality for all members of the College community in accordance with the Equality Act 2010 (Appendix 1 and 2) and the Public Sector Equality Duty 2011 (Appendix 3).
- 2.2 The policy promotes positive attitudes to inclusivity and diversity to create an environment where all are able to participate and fulfil their potential. It seeks to ensure that no person is treated less favourably or unfavourably on the grounds of any of the Protected Characteristics (Appendix 1).
- 2.3 Each member of the College community has a responsibility to uphold this policy, advance equality and eliminate discrimination, harassment and victimisation.

3. Scope

- 3.1 The policy covers all aspects of the College's academic and business functions and applies to all members of the Nottingham College community, including students, staff, governors, visitors, and parents/carers; and those contracted to work at, or for, the College including sub-contractors and employers.

4. Key responsibilities

- 4.1 A number of groups and individuals have a key role in the development and implementation of this policy;

4.2 The **Corporation Board**

The Board has accountability for approving the policy and for ensuring that it is aligned to the College's strategic objectives.

4.3 The **Chief Executive Officer** and senior managers are responsible for ensuring:

- The College meets its legal obligations in relation to equality.
- They champion the EDI policy and associated actions.
- Equality Impact Assessments are undertaken where required.

4.4 The **Director of Organisational Development & HR** has designated responsibility for EDI and leading action planning within Nottingham College.

4.5 The **EDI Committee** is responsible for:

- Supporting the implementation of the EDI policy across the College.
- Setting and monitoring the EDI Action Plan.
- Evaluating EDI data on staff and students in relation to engagement, recruitment, achievement and satisfaction.
- Facilitating internal task groups to develop specific aspects of EDI work.
- Supporting Nottingham College to create an inclusive and diverse environment.
- Supporting the College to fulfil its statutory duties and public duty including annual equality information and reports.
- Providing advice, guidance and support on the application of this policy to all stakeholders.
- Linking with appropriate equality bodies.
- Commissioning relevant training & development.

4.6 All **Managers** are responsible for ensuring:

- Their staff have a clear understanding of the College's approach to EDI, identifying staff development as necessary.
- Bullying, harassment and discrimination are effectively tackled.
- EDI is embedded in all activities.
- They effectively lead by example in treating all staff and students with dignity and respect and by being fair and reasonable in their attitudes and behaviours.

4.7 **Everyone** has a responsibility to give full and active support for the EDI policy by ensuring:

- The policy is understood and implemented.

- Their behaviour always takes into account the uniqueness of others.
- Everyone is treated with respect, courtesy and dignity.
- Behaviour not in accordance with the EDI policy is challenged and acted upon.

5. General principles

- 5.1 Nottingham College is committed to providing outstanding teaching, support and services to all students and stakeholders. To achieve this aim, EDI must be embedded in the College's culture. EDI priorities are therefore aligned with, and underpin, the College's strategic and operational planning at all levels.
- 5.2 The College's commitment to advancing equality as an employer and education provider goes beyond legislative compliance to ensure that everyone is able to participate fully, irrespective of their background or personal characteristics.
- 5.3 The College strongly believes that the diversity of its community is one of its greatest strengths and most valuable assets. Treating people fairly, with dignity and respect, with an equal right to participate in society, to develop and achieve their full potential, is right and makes good business sense.
- 5.4 The College will comply with its legal responsibilities in carrying out both the general and specific public sector responsibilities (Appendix 3).
- 5.5 The College will conduct comprehensive and effective monitoring of all aspects of staff and student populations. Data is monitored to ensure services and activities are appropriate, sensitive and meet individual needs. The College will take appropriate measures to protect personal and personal sensitive data, including limiting access and where possible anonymising data taking due regard of data protection principles.
- 5.6 The College will conduct Equality Impact Assessments on proposed service changes and policies, as a means of identifying any adverse impact and exploring possible solutions to mitigate these.
- 5.7 The College will make adjustments for students and staff in accordance with identified needs wherever possible and reasonable.
- 5.8 The College aims to provide a responsive curriculum which offers students the knowledge, skills and understanding they need to live in a global society and work in a competitive global economy. The College ensures that curriculum delivery is underpinned by access to support services, including learning support and where required literacy, numeracy and ICT.

- 5.9 The College is committed to the development and delivery of a range of training opportunities for staff, students and sub-contractors, in addition to a range of resources to support understanding of individual responsibilities.
- 5.10 The College aims to ensure that its duty to advance and promote EDI extends to those situations where any of its functions or services are contracted or sub-contracted to others.
- 5.11 The College may take lawful positive action to advance equality. This may be in the provision of facilities or services to meet the needs of people from particular under-represented groups or to target job training and/or educational opportunities at particular groups which are under-represented in a particular area of work or study. The College will ensure that positive action strategies are intended to be temporary measures only and will not be used once the special needs have been met or if under-representation no longer exists.
- 5.12.1 The College is committed to eliminating discrimination by challenging inequality, prejudice and discrimination whether direct, indirect, by association or by perception.

6. Communication and Engagement

- 6.1 The College aims to ensure that this policy is fully effective and that all members of the College community are committed to it. The College undertakes to work in partnership with the recognised trade unions; staff; students and stakeholders in its development and implementation.
- 6.2 The College will increase staff and student awareness of EDI through a range of media, meetings, workshops, tutorials and activities. EDI will play a key feature in course reviews, self-assessment and departmental outcomes.
- 6.3 Procedures for reporting bullying, discrimination and unacceptable behaviour are captured within key policies.

7. Impact measures

7.1 This policy will be fully implemented when:

- Teaching, learning and assessment has equality, diversity and inclusion embedded throughout (evidenced in Ofsted and student and observer feedback).
- All members of the College community actively and effectively promote equality, diversity and inclusion as a result of effective training and development.

- Data is monitored and leads to relevant actions with participation and achievement gaps narrowing.
- Colleague engagement surveys and student views indicate a positive EDI culture.
- The College is recognised externally for its commitment to EDI.

8. Breaches of policy and complaints

- 8.1 The College takes non-adherence to this policy very seriously and reports of non-compliance will be investigated. The College strongly encourages informal and local resolution of issues or complaints however, in some circumstances, the College reserves the right to use relevant disciplinary procedures.
- 8.2 No member of the College community will be victimised as a result of giving information about any act by a person who contravenes this policy.
- 8.3 Persons making allegations, which are proved to be false, will be dealt with in accordance with the College harassment and disciplinary procedures, as will any person who bullies or harasses another person who they believe has made an accusation against them.

The policy is publicly available on the website. Alternative formats are available.

Review cycle:	Bi-annual
Next review due:	December 2020
Policy owned by:	Organisational Development & HR
Approving body:	Corporation
Equality Analysis completed :	December 2018

Equality Act 2010 – Protected Characteristics

The Equality Act 2010 applies to the College as both an employer and education provider. The Act identifies nine ‘protected characteristics’

Age

The Act protects people of all ages. (Under-18s are only protected against age discrimination in relation to work, not in the ‘provision of goods and services’). However different treatment because of age is not unlawful discrimination if an organisation can justify it as a “proportionate means of achieving a legitimate aim”.

Disability

Under the Act a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities. HIV, Cancer and MS are included from the point of diagnosis.

Sex

Both men and women are protected under the Act.

Gender Reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts, or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected, so a woman who decides to live as a man but does not undergo any medical procedures would be covered.

Marriage & Civil Partnership

The Act protects employees who are married or in a civil partnership. Single people are not protected.

Pregnancy & Maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and up to 26 weeks after she has given birth.

Race

For the purposes of the Act race includes colour, ethnic origin, national origin and nationality (including citizenship).

Religion or Belief

In the Act religion includes any religion and it includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief (e.g. humanism) or a lack of such belief. To be protected a belief

must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Sexual Orientation

The Act protects bisexual, heterosexual/straight, gay and lesbian people.

Equality Act 2010 – Unlawful Behaviours

In the Equality Act people are protected from a range of unlawful behaviours.

The examples given below are extracts from the Equality and Human Rights Commission Technical Guidance for Further and Higher Education.

<https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-technical-guidance-further-and-higher-education>

Direct discrimination occurs when a person treats another less favourably than they treat or would treat others in comparable circumstances because of a protected characteristic.

A College lecturer in construction assumes that young women are not strong enough to carry out the lifting required on the course and consequently does not shortlist a female applicant.

Discrimination by association is direct discrimination against someone because they are associated with another person with a protected characteristic. (This includes carers of disabled people and elderly relatives who can claim they were treated unfairly because of duties that they had to carry out at home relating to their care work). Discrimination by association does not apply to marriage and civil partnerships and pregnancy and maternity.

During Freshers' Week, two university students decide to sign up for an additional course in religious studies. One is gay and Chair of the LGBT Society. The other, a friend, is not gay. They are both told that the course is full so they cannot join up. Later, one of them sees a group of four men sign up to the course. In this case not only the gay student but also the friend could complain of discrimination. For the friend the discrimination would be on the basis of his association with his friend who is gay.

Discrimination by perception is direct discrimination against someone because others think they have a protected characteristic. It applies even if the person does not actually possess that characteristic. Discrimination by perception does not apply to marriage and civil partnerships and pregnancy and maternity leave.

A course placement officer does not offer a placement at a Catholic primary school to a student on a childcare course because they think he is gay and is worried that the school will be 'uncomfortable' with a gay student. Despite the fact that the student is not gay, this would still be direct discrimination because of sexual orientation

Indirect discrimination is putting in place a policy or practice that has a differential (positive or negative) impact on someone with a protected characteristic than someone without that characteristic, when this cannot be objectively and legitimately justified. Pregnancy and maternity is not protected by indirect discrimination.

A college puts in place a 'no headgear' policy on college grounds because of an increase in the amount of graffiti on the premises and difficulties in identifying the culprits caused by hoods. This puts a Sikh student at a disadvantage as he is required by his religion to wear a turban. A more proportionate policy would make an exception for Sikh students who wear turbans.

Discrimination arising from disability is treating a disabled person unfavourably because of something connected with their disability when this cannot be objectively justified. For example, prohibiting an employee from taking time off or breaks for medical treatment.

A student with autism often displays inappropriate behaviour as a symptom of his impairment. He is excluded from lessons following an outburst of inappropriate language to a tutor. Other students have been excluded for poor behaviour but this student has been treated unfavourably because of something which arises as a consequence of his disability.

Failing to make reasonable adjustments - Employers and service providers have a duty to make reasonable adjustments for disabled employees and service users to enable fair access. Adjustments apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. This duty is anticipatory and must be reviewed on a regular basis to ensure adjustments made are appropriate. Failing to do so may be direct disability discrimination.

Harassment is unwanted conduct which has the purpose or effect of violating someone's dignity, or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic. The Act also offers protection to people who do not have a "protected characteristic" but find behaviour offensive, even if not directed at them.

An engineering tutor has a robust style which results in him being rude to his students. He makes jokes about women breaking their nails when they try to change a light bulb, and stereotyping their abilities as better suited to childcare and not manual trades. Although the comments are not directed at any particular student, a female student who hears these remarks and is humiliated and offended by them, may have a claim of harassment related to gender.

Victimisation is treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting someone who is doing so.

The mother of a young person with learning disabilities made a complaint to an FE college that her daughter was only being given access to a course in basic skills, when she was interested in a course in catering and hospitality. She makes a formal complaint. On applying for a place on a course at the college herself she is rejected with no explanation despite meeting the entry requirements and there being places available on the course. She believes that she has been victimised because of her complaint on behalf of her daughter. Her daughter may have a separate claim of disability discrimination.

Exceptions

There are exceptional circumstances which legitimise some forms of discriminatory practices. The Equality Act 2010 gives a definition which describes legitimate justification; this being '*a proportionate means of achieving a legitimate aim*'.

To be legitimate, the aim of the provision, decision or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of the College, examples of legitimate aims might include:

- Ensuring that education, benefits, facilities and services are targeted at those who most need them.
- Preventing fraud or other forms of abuse or inappropriate use of services provided
- Maintaining academic and/or business standards.
- Ensuring the health and safety, welfare and dignity of stakeholders.

Although reasonable business needs and economic efficiency may be legitimate aims, an education provider simply aiming to reduce costs cannot expect to satisfy the test. For example, the education provider cannot simply argue that to discriminate is cheaper than not to discriminate.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision or practice is the only possible way of achieving the legitimate aim.

Appendix 3

Public Sector Equality Duty 2011

As a public sector organisation the College has an additional duty under the **Public Sector Equality Duty, 2011**. This is made up of a General Equality Duty which is supported by specific duties.

The General Equality Duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The Specific Duty requires public sector organisations to show functional transparency by:

- Preparing and publishing one or more equality objectives which can be achieved to do any of the things mentioned in the aims of the General Equality Duty, by 6 April 2012, and at least every four years thereafter.
- Ensuring that those equality objectives are specific and measurable.
- Publishing those equality objectives in such a manner that they are accessible to the public.