

Equality and Diversity policy

1. Introduction

- 1.1. Chichester College is fully committed to providing equal opportunities in employment and education and the elimination of unlawful and unfair discrimination (see [Annex A](#) for definitions of discrimination). Equality of opportunity and respect for the individual are part of the College's principles and values, and the College welcomes the benefits of a diverse workforce.
- 1.2. The purpose of the College's policies is to provide equality and fairness in all activities. No one will be subject to discrimination on the grounds of race, sex, disability, religion or belief, age, ethnic origin, nationality, sexual orientation, social class, gender reassignment, marriage and civil partnership, pregnancy and maternity or any other factor.
- 1.3. This policy and associated policies and schemes are applicable to all staff, both permanent and temporary, clients, contractors and students. The policy applies to all processes relating to employment, education and training and dealings with students, customers and clients.
- 1.4. This policy and associated policies and schemes will be reviewed on an annual basis to reflect changes in the law, demographics and internal business requirements. Progress relating to the policy will be reviewed termly and a full report will be presented to the senior management team and Governing Body on an annual basis.
- 1.5. This policy should not be read in isolation, but cross-referenced with all relevant College employment and student policies as listed in [Annex B](#).

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2. Scope

2.1 The purpose of this policy is to establish clear guidance regarding equality and diversity and to establish key principles, structures and monitoring arrangements for the College.

2.2 All staff are responsible for the promotion and advancement of this policy. Behaviour, actions or words that transgress this policy will not be tolerated and will be dealt with in line with the College's Disciplinary procedure and student referral procedure.

3. Statutory responsibilities

3.1 [Annex C](#) provides a full list of legislative requirements that apply to this Equality and Diversity policy. This includes the protected characteristics as defined by the Equality Act 2010:

- Age
- Disability
- Gender Reassignment
- Race
- Religion and belief
- Sex
- Sexual Orientation
- Marriage & Civil Partnerships
- Pregnancy & Maternity

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4. Aims

4.1 The College is committed to ensuring that:

- Unlawful discrimination, harassment and victimisation are eliminated, to make the College environment as safe and supportive as possible for all the College community.
- Equality of opportunity is advanced;
- Achievement is promoted, so that any achievement gaps are narrowed;
- Good relations are fostered for people with different protected characteristics.

5. Outcomes to be achieved to meet these aims

- Fair and equitable procedures operate in relation to recruitment, selection and management of staff.
- Students receive fair and equitable treatment in relation to admission, administration and assessment procedures.
- Policies and procedures are operated fairly and free from discriminatory practices.
- Publicity materials present opportunities and positive images for under-represented groups, such as minority racial groups and people with disabilities.
- Governors, staff, students, their sponsors and partner contractors are appropriately trained and have access to comprehensive information which assists them to plan, implement and monitor actions to carry out their responsibilities under the policy.
- Governors, staff, students, their sponsors and partner contractors are aware of the value placed upon equal opportunities and that action will be taken in the event of any breach of the policy.

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- Staff and students are treated with respect and dignity.
- Equality and Diversity is actively promoted within our policies, procedures, practices, plans and activities.
- Inequality, prejudice and discrimination are challenged.
- An inclusive environment is created where equality and diversity are celebrated.

6. Roles and responsibilities

The Governing Body designates the Principal as having overall responsibility for equality issues. The Chief Operating Officer chairs the Equality and Diversity Steering Group which meets termly and is supported by the Deputy Principal in this role. The membership of the Equality and Diversity Steering Group includes appointed Equality and Diversity Champions from each area of the College.

6.1 Governors are responsible for ensuring that:

- They are aware of the Governing Body's statutory responsibilities in relation to equality legislation as an employer and a service provider.
- The membership of the Governing Body reflects the diversity of the communities served by the College.
- They receive and respond to monitoring information on staff and students.

6.2 The Senior Management Team is responsible for ensuring that:

- They are aware of the College's statutory duties in relation to equality and diversity legislation.
- Equality issues are embedded into all policies and procedures.
- Ensure that procedures for challenging all forms of discrimination, harassment and unacceptable behaviour are widely promoted.

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- The Equality and Diversity Steering group effectively carries out its responsibilities.
- A positive, inclusive ethos is created allowing feedback.
- Business communications reinforce the inclusive messages and become incorporated into day-to-day processes.
- Ensure that members of staff understand the significance of equality and diversity and know how to implement these in their work.
- The Chief Operating Officer and Deputy Principal must ensure that senior management are informed of the progress of the Single Equality Scheme and the action plan and ensure that Governors and staff are informed and advised of progress via the Human Resources Committee and the Curriculum and Quality Committee.

6.3 Managers and staff are responsible for ensuring that:

- They are aware of the College's statutory duties and policies and procedures are implemented with regard to equality and diversity issues.
- They challenge inappropriate behaviour by students, staff, partner contractors, work placement providers and other contractors.
- Student induction programmes and tutorial programmes reflect the College's commitment to promote equality of opportunity.
- Curriculum activities demonstrate sensitivity to equality and diversity issues.
- Staff induction, continuous professional development and performance management reflect the College's commitment to equality of opportunity.
- They attend the appropriate equality and diversity training.
- Provide teaching, learning and assessment methods, support and resources that meet the individual needs of students.
- It is the responsibility of all staff and students to uphold the College policy on equality and diversity.

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6.4 The Equality and Diversity Steering group is responsible for ensuring that:

- A strategy and action plan for the implementation of College policy on equal opportunities, diversity, inclusiveness and widening participation is developed.
- It encourages and supports the development of policies related to the curriculum, student intake, the built environment and student services (in particular), which seek to ensure the removal of prejudice and discrimination.
- The content and operation of equal opportunities policies and schemes are monitored and reviewed on an annual basis.
- Equal opportunities policies are promoted to governors, staff, students, trade union partners and partner contractors.
- Monitoring information is collected and analysed, and an action plan developed.
- Appropriate training and development is provided to support the appreciation and understanding of equality and diversity issues.
- The action plan for the Single Equality Scheme is implemented. The terms of reference of the Steering Group include the progression and implementation of equality and diversity policies across the College, and the development and completion of the action plan.

7. Monitoring

7.1 Monitoring will be used to ensure that staff and students are treated in accordance with this policy.

7.2 Monitoring will be undertaken in accordance with best practice recommendations, particularly from the Commission for Equality and Human Rights, and with regard to data protection principles.

8. Complaints

The College will seek to provide a supportive environment for those who make claims of discrimination or harassment, which are detailed in full in the staff Bullying and Harassment policy, the complaints procedures for students and visitors.

9. Status of this Policy

- 9.1 The policy was approved by the Human Resources Committee in June 2007 and updated in March 2011. The operation of this policy will be kept under review by the Head of Human Resources. It may be reviewed and varied from time to time by the Human Resources Committee. This policy has been equality impact assessed to ensure that it does not adversely affect staff.

Date Approved:	June 2007
Approved by:	Human Resources Committee
Review date:	March 2011
Next review date:	September 2012

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Types of discrimination

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Associative discrimination

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

Perceptive discrimination

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

Indirect discrimination

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

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Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating hostile, degrading, humiliating or offensive environment for that individual."

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third party harassment

Already applies to sex. Now extended to cover age, disability, gender, reassignment, race, religion or belief and sexual orientation.

The Equality Act makes an employer potentially liable for harassment of employees by people (third parties) who are not employees of the company, such as customers and clients. An employer will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and you have not taken reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

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Policies, procedures and Codes of Practice that support the Equality and Diversity Policy

Students and Staff

Single Equality Scheme and Action Plan

Staff

Disciplinary policy and procedure

Grievance policy and procedure

Bullying and Harassment policy

Recruitment and Selection policy and procedure

Recruitment of Ex-offenders policy

Disability disclosure process for members of staff

Students

Discrimination, harassment and victimisation policy

Disclosure policy and procedures for students

Inclusion risk assessment policy and procedures

Student referral procedures

Equal Opportunities policy - students

General

Single Equality Duty - April 2011

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Relevant Legislation

The Equality Act 2010

The Equality Act was established by the Commission for Equality and Human Rights, giving individuals who experience discrimination or breach of their human rights easier access to support.

The Equality Act replaces previous legislation (such as Race Relations Act 1976, Equal Pay Act 1970, Sex Discrimination Act 1975 and the Disability Discrimination Act 1995). The Act aims to provide a simpler, more consistent and more effective legal framework for preventing discrimination.

Public sector organisations, and employers that provide public services, are currently subject to the gender equality duty and are required by law to try and eliminate sex discrimination including pay. It is expected that the Government will be introducing a new public sector single equality duty that covers all the protected characteristics (except for marriage and civil partnership) in April 2011. However, we are unsure if this will be going ahead as proposed and so until then, the current public sector equality duties will remain in place.

Other relevant legislation

Employment Equality (Age) Regulations 2006

Employment Equality (Religion or Belief) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Employment Relations Act 1999

Employment Rights Act 1996

Equal Pay Act 1970 (Equal Value Amendment 1984)

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

Human Rights Act 1998

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Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
Protection from Harassment Act 1997

Rehabilitation of Offenders Act 1974

The Carers (Recognition and Services) Act 1995

The Employment Relations Act 1999

Carers and Disabled Children Act (2000)

Employment Act 2002

Carers (Equal Opportunities) Act

Work and Families Act 2006

Childcare Act 2006

Pensions Act (2007)

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