

## EQUALITY & DIVERSITY POLICY

### 1. PURPOSE

1.1 Riverside College is committed to promoting equal opportunities in employment and the practice of fairness in all services provided by the College and in the example which it sets as an employer, as well as to countering any attitudes and behaviour which deny people equal opportunities. You and any job applicants will receive equal treatment regardless of the following factors considered in the Equality Act 2010 to be Protected Characteristics:

- Sex
- Gender Reassignment
- Marital/Civil Partnership Status
- Race, Colour, Ethnic or National Origin
- Religion or Belief
- Disability/Learning Difficulty
- Sexual Orientation
- Age
- Pregnancy/Maternity

1.2 In line with the duty set out in the Equality Act 2010, the College will take positive steps to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic (as listed above) and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

1.3 The College also recognises the fact that students from financially disadvantaged backgrounds are also statistically at greater risk of not achieving their full educational potential and will endeavour to take steps to redress this imbalance. A useful indicator for identifying disadvantaged students is if they live in a Widening Participation area, so the College will use this as a key performance measure.

1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

### 2. SCOPE

1.5 This Policy applies to and affects all staff (including paid staff and volunteers), students and governors, as well as visitors and subcontractors, at all sites. It sits alongside all other College policies and serves to ensure that the College meets its legal responsibilities as laid down in current legislation.

1.6 This policy sets out our approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

1.7 The Board has overall responsibility for the effective operations of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility for this policy, including regular review of this policy has been delegated to the Deputy Principal, Curriculum.

1.8 All Managers/Head of Departments must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the College's aims

and objectives with regard to equal opportunities. Managers/Heads of Department will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. [NAME OF SENIOR MANAGER] has overall responsibility for equal opportunities training.

### 3. RELATED POLICIES

- 3.1 Equality and diversity is an issue that pervades the entire business of the College and is, therefore, related to every other policy and procedure to a greater or lesser extent.
- 3.2 In line with current legislation, the College will publish relevant documentation.

### 4. GENERAL GUIDANCE

- 4.1 All staff employed by the College (including those working for the College in a voluntary capacity), will seek to eliminate discrimination of any kind, and to promote equality and diversity. This includes general activities such as challenging the use of discriminatory language or behaviour by staff and by students, and challenging any College policies or procedures which they believe may be discriminatory, whether intentionally or unintentionally, directly or indirectly. Employees and students are expected to work with the College towards these aims. In certain circumstances, an employee or learner can be personally liable for discrimination against a fellow employee, learner or a job applicant. All employees have personal responsibility for the practical application of the College's equality and diversity policy and you must not discriminate against or harass other people, including current and former employees, job applicants, clients, customers, suppliers, students and visitors. This applies in the workplace, outside the workplace (when dealing with clients, customers, suppliers, students, staff or other work-related contacts), and on work-related trips or events including social events.

There should be no discrimination, whether direct, indirect or otherwise, because of any of the Protected Characteristics set out in the Equality Act 2010 and listed in paragraph 1.1 above. The types of discrimination that are prohibited are explained at paragraph 4.2 below.

- 4.2 The following forms of discrimination are prohibited:

- (a) **direct discrimination** – this is treating someone less favourably because of a Protected Characteristic; examples could include:

- dismissing someone;
- deciding not to employ them;
- refusing them training;
- denying them a promotion; or
- giving them adverse terms and conditions

because of a Protected Characteristic.

- (b) **indirect discrimination** – this is concerned with acts, decisions or policies (known as PCPs – a provision, criterion or practice) that applies to everyone, but which, in practice, have the effect of disadvantaging people with a particular Protected Characteristic more than others, without objective justification. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it could be objectively justified.

- (c) **Victimisation** - this is retaliation against someone by treating them less favourably because they have asserted their right not to be discriminated against or harassed because of a Protected Characteristic or they have supported someone else's complaint about discrimination or harassment. An example could include a student with bipolar disorder

where another student supports her friend to complain to the College about disability discrimination after her friend is not allowed to progress. After this, the supporting student loses access to a good work experience opportunity as her loyalty to the College is in question. This is likely to be victimisation.

- (d) **harassment** - this includes sexual harassment and other unwanted conduct, related to a Protected Characteristic, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone or violating their dignity. An example of this is: Jenny has dyslexia. Jenny's manager knows she is dyslexic and she makes offensive remarks in the open plan office about people with learning disabilities. This is likely to be harassment.
- (e) **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

4.3 Disciplinary action will be taken against any employee or learner who is found to have committed an act of unlawful discrimination. Serious breaches of this policy and serious incidents of harassment and bullying will be treated as gross misconduct. Unwarranted allegations that are not made in good faith may also be considered as a disciplinary matter.

4.4 The College's Grievance Procedure is available to any employee who believes that they may have been unfairly discriminated against. Complaints will be treated in confidence and investigated as appropriate.

4.5 The following guidelines relate to all aspects of equality and diversity, and serve as a prompt for action in the areas specified: -

- Staff Recruitment, Selection and Induction
- Staff Development
- Conditions of service
- Termination of employment
- Marketing and Publicity
- Student Enrolment, Recruitment and Induction
- Curriculum Design, Content and Delivery
- Physical Environment
- Design and provision of all other services

#### 4.5.1 **Staff Recruitment, Selection and Induction**

Recruitment, promotion and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. The head of Human Resources will ensure that the College's recruitment policy and processes reflect its commitment to Equality and Diversity.

- i. Where possible, shortlisting should be done by more than one person and individuals selected on the basis of their relevant skills and abilities;
- ii. Vacancies should generally be advertised to a diverse section of the labour market and advertisements should avoid stereotyping or using wording that may discourage particular groups from applying;
- iii. The College has the 'Positive About Disabled' award and will offer an interview to any candidate who declares a disability and meets the minimum criteria for the job;
- iv. Job applicants will should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children;

- v. Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the approval of the Human Resources Department. For example:
- (a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - (b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
  - (c) Positive action to recruit disabled persons.
  - (d) Equal opportunities monitoring (which will not form part of the selection or decision-making process).

Where necessary, job offers can be made conditional on a satisfactory medical check.

- vi. All persons responsible for recruiting and selecting staff and governors will ensure that shortlists are drawn up and appointments made according to pre-set, objective criteria, focused solely upon the suitability of the candidate for the post;
- vii. Individuals will be assessed according to objective criteria and their abilities to carry out the role advertised;
- viii. Where appropriate, the HR department may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic e.g. where a job can only be done by a woman.
- ix. The Head of Human Resources will ensure that all new staff and governors undergo induction programmes, during which they are made fully aware of their responsibilities under the College's Equality & Diversity Policy.
- x. Decisions regarding the method of recruitment or selection or who is recruited or selected should only be made by a person who has read and understood this policy [and undergone relevant training].
- xi. To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, [sexual orientation, religion] and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. [The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy]. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity. The Head of Human Resources will ensure that information is provided to the Finance and Resources Committee, in the form of an annual report on:
- Applications by sex, age, disability, ethnicity.
  - Appointments by sex, age, disability, ethnicity.
  - Current profile of staff body by sex, age, disability, ethnicity
  - Any gender pay gap which may be present.
- xii. We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the Human Resources Department or UK Visas and Immigration.

#### 4.5.2 Staff Development

The Deputy Principal, Curriculum and the Head of Human Resources will ensure that:

- i. Training opportunities relating to equality and diversity are provided for staff so that they are able to fulfil all requirements of their positions and to recognise students' differing needs, in order to encourage the highest level of achievement.
- ii. Assessment criteria and appraisal schemes should be carefully examined to ensure that they are not discriminatory, whether directly or indirectly, for a reason arising from a disability or require the need for reasonable adjustments.
- iii. Promotion and career development patterns will be regularly monitored to ensure that access to promotion, training and career development opportunities is not denied to particular groups or types of workers.
- iv. Traditional qualifications and requirements for promotion, transfer and training, such as length of service, years of experience or age may discriminate against certain workers and will need to be objectively justified by reference to the job requirements.
- v. Where any PCP (provision, criterion or practice) relating to promotion, appraisal, transfer or training puts disabled workers at a substantial disadvantage because of their disability or for a reason arising from their disability, we will consider any reasonable adjustments that would help overcome or minimise the difficulty. We may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible. For example, this could be making training available for a disabled worker in a different way, in a different location or at a different time.
- vi. The advice given to staff on the choice of training courses and career development opportunities explores all possibilities, based upon the individual's abilities, without regard to traditional stereotypes.
- vii. Adequate staff development programmes are available to provide staff with guidance on handling areas such as multicultural education, harassment and stereotyping.

#### 4.5.3 Marketing and Publicity

All persons involved in marketing and promoting the services of the College, will ensure that: -

- i. All marketing materials reflect the College's commitment to equality and diversity and are made available in public places throughout the community;
- ii. Strategies are devised for marketing and targeting under-represented groups to encourage learning;
- iii. Appropriate outlets are used to promote the College's programmes to all sections of the community;
- iv. Reference to the College's Equality & Diversity Policy is made in all appropriate publicity materials and that publicity materials are available in appropriate languages and media as required;
- v. Posters and other visual displays are appropriate as well as encouraging those that challenge stereotypes and promote positive and non-stereotypical role models.

#### 4.5.4 Student Enrolment, Recruitment and Induction

All persons responsible for the recruitment and induction of students will ensure that: -

- i. The College's admission systems are free from bias and equally accessible to all;
- ii. The College's admission systems are designed to examine an individual's capability and suitability for a particular course;
- iii. Assumptions that only certain types of person will be able to undertake certain types of learning will be challenged;
- iv. Selection tests are specifically related to the course requirements and measure the person's actual or inherent ability to learn;
- v. Selection tests are reviewed regularly to ensure they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism;
- vi. Pre-course guidance is available to all students to ensure appropriateness of provision. In relation to Special Educational Needs and Disability, further guidance is available on the College's external website, see SEND Statement and Reform.;
- vii. Initial assessment procedures fully take into account the various experience and backgrounds of students, and any barriers they may face;
- viii. Advice is provided to students potentially eligible for financial help from the College;
- ix. Data relating to disability, age, ethnicity, gender and whether students live in a Widening Participation area, is used to review applications and admissions and to identify trends that may become established;
- x. Students undergo an induction process in which they are made aware of the full range of support available, the location of the welfare services, their rights and responsibilities as students and the College's Equality & Diversity Policy.

The Equality and Diversity Action Group will report termly on the composition and progress of the student body, according to disability, age, ethnicity, gender and whether students live in a Widening Participation area.

#### 4.5.5 Curriculum Design, Content and Delivery

Heads of School will:

- Aim to ensure that there is an appropriate range of programmes that cater for all potential students;
- Aim to ensure that programmes are sufficiently flexible to accommodate students' individual needs wherever possible, including needs relating to religion, disability, gender and any domestic responsibilities;
- Ensure that organisations with which the College has collaborative arrangements fulfil their equality and diversity duties;
- Through the annual Self-Assessment Report process, monitor and report upon:
  - Age, disability, ethnicity, gender and Widening Participation recruitment data on all programmes and, where appropriate, devise strategies to address imbalance;
  - Attendance, retention, achievements, withdrawals and destinations in light of, age, gender, disability, ethnicity and Widening Participation background and, where appropriate, devise strategies to address imbalances.

Teaching staff will:

- Audit their materials to ensure there is no discrimination, and to promote equality and diversity wherever possible;
- Ensure that assignments and assessments do not inappropriately discriminate (while recognising the need to maintain academic standards);
- Ensure the availability of appropriate learning materials for all students.
- Ensure tutorial support is available to all students;
- Accommodate students with varying abilities and needs within a group and address differentiation through effective planning and delivery;
- Fully utilise learning support systems for their students, where appropriate.

#### 4.5.6 Physical Environment

The Head of Finance & Estates, in conjunction with other College Managers, will ensure that:

- As far as is reasonably practicable, that the College, external College sites and venues used are fully accessible to all;
- Systems are in place to review the accessibility of College buildings including external sites and potential venues for College events.

#### 4.5.7 Design and provision of all other services

Support for Students Managers will ensure that:

- i. Services are available to support students with problems relating to their personal welfare and wellbeing, which may become a barrier to their educational success;
- ii. These services are accessible to all students and take account of all students' differing needs and cultural backgrounds;
- iii. All students have access to advice and guidance which will help them to maximise their employment opportunities after they have completed their education;
- iv. The College tutorial and enrichment programmes include opportunities for students to learn about equality, promote British values and celebrate diversity;
- v. Enrichment opportunities are available to students, and that students are encouraged to participate in activities without being limited by stereotypes or prejudice;
- vi. Data collection of the student population with regard to religion/belief, sexual orientation and transgender identity is not carried out officially. However, reasonable steps are taken to support and record this section of the student population;
- vii. Students who are vulnerable are monitored and supported. This includes Looked After Children, Care Leavers, Young Carers, Young Offenders;
- viii. Students with different protected characteristics are not excluded from the Learner Voice and that they are actively encouraged to participate in activities which aim to involve students in the College decision-making processes;
- ix. Take into account, when supporting students with issues relating to attendance, punctuality or behaviour, any factors related to Protected Characteristics;
- x. Report regularly to the Equality & Diversity Action Group data relating to the race, gender, disability, age and Widening Participation background of all students who are subject to the College disciplinary process;

- xi. Closely monitor any disciplinary issues which may relate to discrimination, harassment or bullying among students and take active steps to eradicating and preventing such issues and educating those involved.

#### **4.5.8 Termination of Employment**

We will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

#### **4.5.9 Disabilities**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate. If you experience difficulties at work because of your disability, you may wish to contact [your line manager **OR** the Human Resources Department] to discuss any reasonable adjustments that would help overcome or minimise the difficulty. We may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

### **5 MONITORING**

- 5.1 Data and information obtained as a result of the activities described in 4.5.1 to 4.5.7 of this policy will inform the annual Self-Assessment Report and all related College development plans as appropriate.
- 5.2 Statistics about staff and students on the basis of ethnicity, gender, age and disability will be collected as will views of staff and students via staff surveys and student perception of course questionnaires. These will be monitored against key College performance indicators and will be reported to the Equality and Diversity Action Group, SMT Monitoring and then to the Board through the Quality & Standards Committee.