

**CORPORATE
EQUALITY AND DIVERSITY
POLICY**

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1. POLICY STATEMENT

- 1.1 Bilborough College is committed to an equality of opportunity that is intended to be 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; gender identity and realignment; trade union activity; unrelated criminal convictions.

Bilborough College will not tolerate behaviour in the form of discrimination, victimisation, harassment or bullying.

- 1.2 Bilborough College is committed to embracing diversity. The aim is to create an environment where the differences are acknowledged and understood, and a workplace and learning environment which enhances their value is developed.
- 1.3 Bilborough College is committed to eliminating discrimination and encouraging diversity amongst our **workforce**. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.
- 1.4 Bilborough College is committed to eliminating discrimination and encouraging diversity amongst our **students**, in terms of educational and other facilities.
- 1.5 We would expect all members of the Bilborough College Community (staff, and students) to respect people's differences; and treat everyone they come into contact with at the College fairly and with dignity.
- 1.6 The guidance will be applicable to all employees and students in the College, Corporation members, contractors, volunteers and visitors.
- 1.7 The College's Corporate Equality and Diversity Policy provides for co-ordination and implementation of all equality and diversity activities at a strategic level and is supported by additional policies that provide for a College-wide integrated approach to equality and diversity.

2. PURPOSE OF THE POLICY

2.1 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.
- State College values on equality and diversity (fairness) and how they will be put into practice
- Demonstrate to staff, students, potential recruits and customers that the College is serious about fairness and help them understand:
 - > what behaviour is expected and what is not acceptable
 - > what they can expect from the College
- Underpin the College Equality and Diversity related action plans
- Assist the College to comply with legislation.

3. IMPLEMENTATION OF THE POLICY

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

- The cycle of self-assessment/Annual Strategic Plan
- Employee Surveys, Learner Surveys, Parent Surveys, Visitors Surveys and data analysis
- Collecting and disseminating examples of good practice
- Monitoring activity
- Undertaking a process of Equality Impact Assessments.

3.2 The principles and aims of this policy complement and are supported by the College's Disability Scheme, Gender Equality Scheme and Race Equality Policy.

3.3 The Corporate Equality & Diversity Policy and Equality Schemes will lay the foundation for an annually reviewable action plan.

3.4 Legislation and associated regulations exist to protect employees and students, and there are a number of College policies and procedures in place to support the legislation. Reference is made to these policies and procedures in this Corporate Equality Policy.

4 DIVERSITY – A DEFINITION

4.1 Diversity encompasses a multitude of areas such as gender, race, disability, physical ability, academic ability, social class, educational background, sexual orientation, religious beliefs, values, age, personality, life experiences and culture. *This list is not exhaustive.*

4.2 Diversity in the Workplace

A diverse workforce can offer a wide range of resources, skills, ideas and energy to the business, providing a competitive edge. Organisations that embrace diversity will reap the benefits of resourcing from a wider pool of talent, broaden their markets, improve productivity and raise the community profile. This is 'managing diversity'.

Diversity management can benefit the organisation in a number of ways:

- Utilise knowledge of different areas of the community
- Understand market segments and consumer behaviour
- Value and respect employees, attracting and retaining a wider talent pool
- Become an employer of choice
- Improve opportunities within the organisation through internal promotion
- Have a more representative 'balanced' workforce
- Have a more representative student base
- Create a more rewarding working environment

4.3 Diversity in the learning Environment

A diverse student population enriches the learning experience for all students as a wider range of knowledge, experiences and beliefs can be drawn upon in the classroom environment. Managing Diversity in the Learning Environment reflects the College's respect for the diverse backgrounds and experiences of our students and seeks to ensure that diversity is managed in a constructive, creative and productive way so that everyone is encouraged to realise their full potential in the learning environment, and that their differences are respected and valued.

5 THE DIFFERENCE BETWEEN DIVERSITY AND EQUALITY

5.1 Diversity and equal opportunities are often regarded as the same thing. However, there are differences.

- The term 'equal opportunities' has been driven by legislation which aims to ensure that certain groups do not receive less favourable treatment because of their differences. It is about treating everyone

equally by adapting to individual needs rather than treating everyone the same.

- The term 'diversity' is about seeing everyone as individuals and valuing the abilities and skills they can bring to an organisation. It does not focus on certain groups specifically but implies that people differences should be valued.
- Managing diversity, as referred to above, is concerned with improving quality within the College, with a focus on qualitative issues and good practice, whereas equal opportunities focuses on improving 'numbers'. This might include increasing the number of women in management positions, or increasing the number of ethnic minorities or raising the age profile.
- Valuing people, and their many diverse qualities, enhances employee and learner potential, therefore enhancing the business. Managing diversity encourages people to reflect on and change their own practises and systems, resulting in a diverse culture. Diversity is not only concerned with keeping within the confines of the law, but would also gradually seek to educate every staff and student member so that discrimination would become a thing of the past.

6 EQUALITY LEGISLATION - DEFINITIONS

A number of general definitions are used in all areas of diversity and discrimination. More detailed definitions are included at Section 7 of the Policy – 'Relevant Legislation' where they differ from the general definitions.

6.1 Direct Discrimination

- Direct discrimination will occur when someone is treated less favourably than another on grounds of race, colour, nationality, ethnic origin, disability, gender, age (perceived or actual), sexual orientation, religious faith or belief. For example it is unlawful to decide not to employ someone based on such grounds.

6.2 Indirect Discrimination

- Indirect discrimination occurs when an organisation (employer / educational provider) applies a provision, criterion or practice to everyone that puts, or would put, a group of people (for example people from a particular racial group) at a particular disadvantage compared to others.

- An example of indirect discrimination would be a requirement for all staff or students to be clean shaven. In this example, whilst the same requirement is applied equally to all, it would particularly disadvantage those of a particular faith.

6.3 Victimisation

- Victimisation will occur where a person is treated less favourably because of something they have done under, or in connection with equalities legislation - for example they have made a formal complaint of discrimination or harassment, or acted as a witness in a discrimination or harassment case.
- Note, however, that a person is not protected from victimisation in relation to any allegation they knew to be false.

6.4 Harassment

- The term harassment denotes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment on grounds of race or ethnic origin, age, disability, gender, sexual orientation, or religion or belief. The conduct itself could take the form of unwanted remarks, inappropriate jokes or the spreading of malicious rumours.
- It is not relevant in relation to harassment whether the behaviour was intended to cause offence or not. There is potential harassment if the employee being subjected to the behaviour finds it unacceptable and he or she feels damaged by it.
- It will normally take more than one incident of unacceptable behaviour to constitute harassment but it may take just one if the incident is sufficiently serious.
- **The Protection from Bullying and Harassment at Work Policy & Procedure** states the College's commitment to ensuring a working environment that is free from all forms of bullying and harassment. It also provides full details of the procedure for dealing with complaints of bullying or harassment. When the College considers it appropriate to do so, alleged harassers may be the subject of the College's disciplinary procedures.
- **The Student Anti-Bullying Policy & Procedure** provides the same commitment and detail for students as that outlined above.

6.5 Genuine Occupational Requirement (Employment)

- This is where exceptions to the law regarding discrimination are permissible in situations where a person's gender, race, religion or belief etc is genuinely needed for them to be able to carry out the duties of their job. For example an employer may seek to argue that a female employee is needed to carry out a job involving personal care to other females.
- Genuine occupational requirements (GORs) can only be relied on in very limited circumstances. Further information and guidance is contained within the College's **Recruitment and Selection Policy and Procedures**.

7 EQUALITY LEGISLATION – AN OVERVIEW

The following are the main Acts and Regulations relevant to this policy. This list is not exhaustive.

7.1 DISABILITY

- **Disability Discrimination Act 1995 (DDA)**
This Act makes it unlawful for employers to discriminate against a prospective or current member of staff on grounds of disability. The Act requires the employer to take reasonable steps to ensure arrangements are in place so that a person with a disability is not disadvantaged. This means that it is unlawful for employers to treat a person or persons with a disability less favourably than those who are not disabled without sound justification.

This Act stipulates that in exercising their functions, each educational provider shall have regard to the requirements of disabled people. The College must publish disability statements at such intervals as may be specified. For this purpose "disability statement" means a statement containing information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995. The Act also stipulates that it is a legal requirement for adjustments to be made in favour of people with disabilities.

The definition of a 'disabled' person under the Act is one who has a physical or mental impairment which has a substantial, adverse, and long term effect on his or her ability to carry out normal day to day activities.

- **Disability Discrimination Act 2005**
This Act resulted in the following changes to discrimination law:

- The abolition of the requirement for a mental impairment to be “clinically well recognised” before it can amount to a mental impairment
- Cancer, HIV and multiple sclerosis will be deemed to be disabilities from the point of the diagnosis

These changes referred to above were implemented in December 2005.

- **The Disability Equality Duty** came into force on **4 December 2006**. This legal duty requires all public bodies to *actively* look at ways of ensuring that disabled people are treated equally. This is a positive duty which builds in disability equality at the beginning of the process, rather than making adjustments at the end. It brings about a shift from a legal framework which relies on individual disabled people complaining about discrimination, to one in which the public sector becomes a proactive agent for change. All of those covered by the specific must
 - publish a Disability Equality Scheme (including within it an Action Plan)
 - involve disabled people in producing the Scheme and Action Plan
 - demonstrate they have taken actions in the Scheme and achieved appropriate outcomes
 - report on progress
 - review and revise the Scheme
- Bilborough College introduced a **Disability Equality Scheme** on 22 May 2006. The scheme is available on the College’s internet and intranet sites.

The Scheme outlines the College’s commitment to ensuring equality for students with disabilities and to making appropriate provision for all. It will seek to ensure access to the full range of academic, cultural and social activities it can offer and to ensure that no individual student is disadvantaged in their academic, social or cultural activities due to a disability.

The Scheme states the College’s commitment to disability equality in employment with particular reference to recruitment and selection; appointment, retention, and dismissal of staff; career development; and harassment.

The Scheme also details the arrangements for monitoring and positive action, including the division of responsibilities and how the scheme and progress will be publicised.

7.2 RACE

- **Race Relations Act 1976 (RRA)**
This Act protects people from discrimination on the grounds of race, colour, nationality (including citizenship), ethnic origin and national origin, in employment, education, training and the provision of goods, facilities and services. Direct discrimination occurs when a person is treated less favourably than another person who is not of the same racial group.
- **Race Relations (Amendment) Act 2000**
In 2000, the Race Relations Act was amended to give public authorities (including Sixth Form Colleges) a new statutory duty to promote race equality with certain requirements for implementation by 31 May 2002. The general duty requires the College when carrying out its functions to have due regard to the need to;
 - Eliminate unlawful race discrimination
 - Promote equality of opportunity
 - Promote good relations between persons of different racial groups

Under the Race Relations Act 1976 (RRA), public Authorities, including educational institutions, have a statutory general duty to promote race equality. The duty is made up of three distinct parts: to work to eliminate unlawful racial discrimination, to promote equality of opportunity, and to promote good race relations.

In addition to the general duty, Public Authorities have a specific duty to prepare a Race Equality Scheme. However, Education institutions and schools have different specific duties and are required to prepare and publish a race equality policy, rather than a Race Equality Scheme, although it is good practice to ensure that any policy follows the guidelines as set out above in respect of Race Equality Schemes.

- Bilborough College introduced a **Race Equality Policy** in **2002** which was approved by the Corporation on 15 July 2002. A copy of the policy is available on the College's internet and intranet sites. The Policy outlines the College's commitment to race equality, the steps the College will take to meet the general race equality duty (as outlined above) as well as arrangements for monitoring and reporting on progress. The College is currently working to rewrite the Race Equality Policy into a Race Equality Scheme, following the format of the College's Disability & Gender Equality Schemes.
- **Race Relations (Amendment) Act 1976 (Amendment Regulations) 2003** came into force in July 2003 and incorporate the EU Race Directive into UK law which is concerned with the principle of equal treatment between persons irrespective of racial or ethnic origin. The regulations relate to discrimination and harassment on the grounds of race, ethnic or national origins.

7.3 GENDER

▪ **Sex Discrimination Act 1975**

This Act is employment specific in relation to issues such as recruitment, selection, training, promotion and selection for redundancy. It forbids discrimination directly or indirectly against a person (male or female);

- on the grounds of sex
- on the grounds of marital status (not on the grounds of being unmarried)
- victimisation for asserting, or helping someone else to assert, in specified ways a statutory right to equal treatment

Direct sex would occur for example where someone is not offered a job or is not promoted because of his/her sex. A requirement to work full-time may constitute indirect discrimination against women and a requirement to be less than 5'10" might indirectly discriminate against men.

As highlighted above, in exceptional circumstances relating to employment there may be a genuine occupational requirement (GOR).

▪ **Employment Equality (Sex Discrimination) Regulations 2005**

The regulations introduce a new definition of indirect discrimination in employment matters prohibiting harassment and sexual harassment and making it clear that less favourable treatment of women on grounds of pregnancy or maternity leave is unlawful sex discrimination.

▪ **Equality Act 2006**

This Act amends the Sex Discrimination Act 1975 (SDA) to place a statutory duty on all public authorities to pay due regard to 'promote gender equality' and eliminate unlawful discrimination and harassment when carrying out their functions. This Act applies to both employment and the provision of education.

The College has a legal responsibility to demonstrate that it treats women and men equally in policy-making, services, education, teaching, learning and research, and employment. This is different from previous gender equality legislation in three main ways:

- There is a positive requirement for public authorities to be proactive rather than reactive
 - The requirement is to promote equality, not just to avoid discrimination, and
 - Due regard must be paid to eliminate unlawful discrimination and harassment against transsexual people.
- Bilborough College introduced a **Gender Equality Scheme** in 2006. A copy of the policy is available on the College's internet and intranet sites. The

Scheme outlines the College's commitment to gender equality, including defined responsibilities and measures for positive action, and also details the arrangements for monitoring progress and taking positive action, and for publicising the scheme and progress. To meet the requirements of Equal Pay Legislation (outlined below), the Scheme also addresses the prevention of any gender pay gaps

7.4 Gender Reassignment / Transgender

- **Sex Discrimination (Gender Reassignment) Regulations 1999**

The regulations extend the Sex Discrimination Act (1995) to make discrimination unlawful on the grounds of an employee intending to, undergoing or having undergone gender reassignment. The regulations cover employment and vocational training only but not the provision of goods, facilities or services.

If it is known to the employer it is good practice to ask individuals how they wish to be treated. The Regulations state clearly that no one should suffer discrimination at work on the basis of gender reassignment. Trans people are protected from direct and indirect discrimination and from harassment on the basis of their gender identity. Any college that tolerates discrimination against any trans person, by any member of its staff, is therefore potentially subject to legal action under the terms of this Act.

- **Gender Recognition Act 2004**

This Act outlines a process by which trans people can apply for formal recognition that they have changed gender. For example, if successful in achieving recognition, they can obtain a new birth certificate.

- **Bilborough College is committed to the elimination of discrimination on the grounds of gender reassignment or transgender.** The College will at no time discriminate against people on the grounds of transvestitism, transexualism, intersex conditions or any process of gender re-assignment, begun or complete. When this policy refers to 'trans people', it has in mind people living with any of these identities. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth, and the more fluid identities of many trans people.

The College celebrates and values the diversity of its workforce, and believes that the College will benefit from employing trans people at all levels of responsibility, thus hoping to provide role models for students that identify as trans. The College will treat all employees and students with respect, and seek to provide a positive working and learning environment free from discrimination, harassment or victimisation.

The College will seek not only to eliminate all discrimination on grounds of gender identity, but also to create a working and learning environment based on good relations between all employees, including trans people. To this end, the College aims to include non-stereotypical images of diverse gender identities in materials which it produces. The aim is to create a positive inclusive ethos where issues of stereotyping can be discussed openly, with a shared commitment to respecting diversity and difference, and to encouraging good relations between people with any gender identity.

The College will work towards the elimination of discrimination whether overt or covert, and will seek to ensure that all staff and students including trans people have equal access to all learning programmes and facilities.

Transgender equality is included in the College Gender Equality Scheme, referred to above.

7.5 Sexual Orientation

- **Employment Equality (Sexual Orientation) Regulations 2003**
These came into force on 1 December 2003 making it unlawful to discriminate on grounds of sexual orientation in employment, and the regulations include protection against direct discrimination, indirect discrimination, victimisation and harassment. Sexual orientation includes discrimination towards someone with orientation towards the same gender (lesbian or gay men), opposite gender (heterosexual) or both genders (bisexual).

The Regulations cover discrimination in the workplace such as job applicants and those already in employment. The Regulations also cover the wider category of “workers” as well as those genuinely self employed. Discrimination is prohibited in the arrangements made by an employer when determining who should be offered employment opportunities, promotion, training and protection from dismissal. There can be no justification for direct or indirect discrimination unless in very exceptional circumstances a genuine occupational requirement (GOR) applies. The Regulations also apply to students in institutions as defined by the Further & Higher Education Act 1992, in areas such as admissions, terms, conditions and access to benefits.

- **Bilborough 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 student applicants
 - Raise awareness and understanding of staff and students

- Respect the sexual orientation of all staff and students
- Aim to protect all staff and students against discrimination, harassment or victimisation because of their sexuality.

7.6 Civil Partnerships (Employment Specific)

Civil Partnership Act 2004

This Act came into force in December 2005 and allows same-sex couples to make a formal legal commitment to each other by forming a civil partnership. This gives those in a civil partnership rights and responsibilities like married partners for the purposes of tax, immigration and nationality, inheritance, employment and pension benefits.

It also means that protection from discrimination on the grounds that a person is married is extended to same-sex partners who have entered a civil partnership.

Bilborough College is committed to eliminating discrimination against job applicants and employees on the grounds of sexual orientation in accordance with the Employment Equality (Sexual Orientation) Regulations 2003.

In support of this the College will:

- Ensure that those employee benefits provided to an employee's spouse are extended to civil partners; any benefits extended to non-married partners will also be extended to same sex couples who are not in a civil partnership
- Ensure that any informal policies and customs in the workplace, e.g. invitations to work-related social events or giving additional unpaid leave for a 'honeymoon' are open to registered civil partners.
- Provide training for employees, particularly those responsible for managing staff and recruiting or training employees. Information will be provided about civil partnerships to help employees understand the college's policies on discrimination, harassment and equal opportunities as they relate to this legislation.

7.7 Human Rights

Human Rights Act 1998

This Act incorporates a substantial part of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The articles of convention which could have an impact on employment law in the United Kingdom are:

Article 8: The right to respect for private and family life

Article 9: Freedom of thought, conscience and religion
Article 10: Freedom of expression
Article 11: Freedom of assembly and association

It is important to be aware of and not to breach the Human Rights of individuals as this also can result in tribunal proceedings.

Bilborough College is committed to considering the requirements of the Human Rights Act 1998 when creating or revising policies, schemes and procedures.

7.8 Equal Pay (Employment specific)

Equal Pay Act 1970

This Act states that if a person, male or female, is doing 'like work' or work of equal value compared to a person of the opposite sex in the same employment, they are entitled to equal pay. It applies to both full-time and part-time employees.

This Act does not permit claims for equal pay with other people of the same gender, or between different employers.

Equal Pay (Questions and replies) Order 2003

This Order allows people to question their employer on matters they understand to be discriminatory on the grounds of gender, race and disability. A questionnaire can be submitted requesting information from the employer in order to establish if a person is receiving equal pay. This questionnaire can be submitted as evidence to a tribunal. Employers are required to answer the questionnaire. However, there may be times when some of the information requested may impinge on what is protected by the Data Protection Act. This can also result in tribunal proceedings.

Equality Act 2006

This Act is an amendment to the Sex Discrimination Act 1975 (SDA) - Unlawful discrimination under the SDA also includes that which is unlawful under the Equal Pay Act 1970.

- **Bilborough College is committed to ensuring that all employees receive fair treatment and equal pay at work.** The principle of equal pay for male and female employees for equal work of equal value will be applied. Any job classification or evaluation systems will be drawn up according to this principle. The College Gender Equality Scheme addresses the prevention of gender pay gaps.

7.9 Religion or Belief

- **Employment Equality (Religion or Belief) Regulations (2003)**
The Regulations are designed to protect those who suffer discrimination on the grounds of religion, religious belief or philosophical belief. Religion or belief is not explicitly defined, although a tribunal or court will take into account factors such as
 - Collective worship
 - A clear belief system
 - A profound belief affecting way of life or view of the world

The Regulations make it unlawful to discriminate on matters of employment against 'workers', which includes employees and contract workers. Matters of employment include recruitment and selection, employee terms and conditions, promotion, transfers, dismissals and training. There can be no justification for direct or indirect discrimination unless in very exceptional circumstances a genuine occupational requirement applies. The Regulations also apply to students in institutions as defined by the Further & Higher Education Act 1992, in areas such as admissions, terms, conditions and access to benefits.

- **Bilborough College respects the rights of all individuals whether employees or students to hold different religious or philosophical beliefs.** In support of this the College will
 - Work to create both a working and learning environment, which is welcoming and supportive of people of all religious beliefs
 - Respect and, where necessary, provide for the practices, which support the religious beliefs of students and/or employees.

Religious Observance

Generally the College imposes no dress code on staff or students. However, there are some requirements as listed below:

- Health and safety requirements may mean that for certain tasks specific items of clothing such as overalls, protective clothing, etc. need to be worn. Where wearing such items conflicts with a religion or belief, the issue will be sympathetically considered by the line manager with the aim of finding a satisfactory but safe compromise.
- Dress should conform to the current majority view in our society of what constitutes decency.
- Wearing clothing with slogans which are considered discriminatory is not permitted.

Religious activities during work time (employees)

All staff, regardless of their religious belief or non-belief, are required to work in accordance with their contract. The College will, however, treat sympathetically requests from staff who require flexibility over how the hours are worked. This may relate, for example, to staff who need to pray at certain times of the day, or who may require an extra hour at midday on a

Friday. The appropriate procedure should be followed, either for Special Leave of Absence or Flexible Working. Staff are advised to inform their line manager of religious observance in advance in order that their request can be given due consideration in light of the business need, for example, academic staff should provide notification in advance of teaching timetabling.

Special Festivals (employees)

The College acknowledges that owing to current bank and public holidays those of Christian faith are guaranteed time off at Christmas and Easter.

In the interests of equality, the College will support and consider favourably requests from those of other religions to book leave to enable them to celebrate their own special religious festival(s). Where staff can show they are bona fide adherents of any religion or belief and that they require time off for the purposes of a festival relating to that religion or belief, the College's Special Leave Policy allows an additional amount of leave, outside holiday entitlement, in any one year (please refer to the Special Leave Policy for details).

For academic staff, this is subject to requesting the days before teaching timetables are allocated as far as is practicable. Support staff must provide as much notice as is reasonably practicable, i.e. if the dates are known in advance, requesting the leave as soon as the date of the festival becomes officially known. Where the date of the festival does not become clear until quite close to the actual date of the festival and work commitments or other staff's leave arrangements cause problems in granting the holiday, the College will, by discussion, seek flexibility from all those affected in an effort to find a mutually acceptable compromise which balances the needs of the business and those of the employees.

Extended Leave (employees)

Requests for extended leave for the purpose of pilgrimages, or visiting relatives abroad for weddings, births or deaths will be treated sympathetically in accordance with the College Special Leave Policy. The needs of the business, and extra burden placed on other workers, will be taken into account when considering extended leave requests. If extended leave extends beyond the annual leave entitlement, the granting of any excess days will be on an unpaid basis.

Extended Leave (students)

Requests for extended leave during the academic year for the above reasons made by students will also be treated sympathetically. In addition, Students are permitted to have 4 days absence for religious reasons without forfeiting their entitlement to Education Maintenance Allowance (EMA).

Dietary Requirements

Staff or students who have specific dietary requirements and who bring food in to the college, where such food needs to be stored or heated, should raise any difficulty they may have with their line manager/tutor. Acceptable solutions to any such difficulties will be agreed locally within the department or with staff who may also use the necessary facilities on a joint use basis.

7.10 Age (Employment specific)

▪ **Employment Equality (Age) Regulations 2006**

The Age Regulations make age discrimination unlawful, and apply to all people who apply for work. In addition they cover access to vocational training, membership of trade unions, professional associations, employers' organisations, and trustees and managers of occupational pension schemes. This includes self-employed people. The Age Regulations will prohibit direct and indirect age discrimination, harassment and victimisation.

One of the main requirements was to abolish employers' mandatory retirement age below age 65, unless employers can objectively justify such a retirement age.

The Regulations also apply to students in institutions as defined by the Further & Higher Education Act 1992, in areas such as admissions, terms, conditions and access to benefits.

Bilborough College has adopted the national default retirement age of 65 for all staff, to operate in accordance with the Teachers Pension Scheme and the Local Government Pension Scheme, and to ensure all staff are treated fairly and consistently. However, all employees have the right to request to work beyond this, and all such requests will be seriously considered in the interests of the College business.

- Bilborough College recognises that people, staff and students, 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 the College will:
 - Promote actively and support educational achievement for people of all ages
 - Promote positive images of achievement by people of all ages that recognise and celebrate the knowledge and experience, which people bring to their learning throughout life.

7.11 The Rehabilitation of Offenders (Employment specific)

People with criminal records are protected by the **Rehabilitation of Offenders Act 1974**, which makes it unlawful for an employer to take account of (or be informed of) a person's previous offending history once the conviction has become spent. However, some sentences can not be spent, and others may be 'spent' but still have to be declared if the employment involves nursing, social work, working with children in care or people with learning difficulties, handling money or national security (if relevant).

By virtue of the Exception Order of the Rehabilitation of Offenders Act 1974, it is necessary for the College to be aware of all spent and unspent criminal records for applicants to be appointed/staff appointed to particular posts. The relevant exempted occupation being work involving contact with children (under the age of 18 years) or vulnerable adults such as the infirm, elderly or mentally ill.

The Criminal Records Bureau (CRB) was introduced by **The Police Act 1997**. This gave rise to employees and applicants in sensitive jobs having to give consent to a search being made for details of any previous or current convictions and for employers to be advised of the outcome by way of a Disclosure service. The Disclosure service provides a means for Personnel to carry out checks through the CRB on staff or applicants and allows for decisions to be made about recruiting staff who have a criminal record. Applicants are offered equal opportunities when going through the recruitment process. They are informed at the outset that they have the opportunity to discuss criminal convictions, 'spent' or 'unspent', in confidence with a Personnel representative.

At Bilborough College all posts, subject to the Principal's discretion, fall into the category where they require either a Standard or Enhanced Disclosure check. Therefore, anyone who applies to work at Bilborough College will be expected to declare any convictions 'spent' or 'unspent' and will be subject to consideration of suitability for appointment in accordance with the College's policies and procedures. Please refer to the College's Recruitment and Selection Policy and Procedure.

7.12 Data Protection

- **Data Protection Act 1998.**

When collecting, storing and analysing data full account must be taken of the Data Protection Act 1998. Therefore it is imperative to ensure that personal data collected is used appropriately in accordance with the Act.

Bilborough College accepts its legal responsibility under the Data Protection Act 1998. Personal data will be both collected and processed

fairly and legally; data will be adequate, relevant and not excessive for the intended purpose. Please refer to the College's Data Protection Policy.

8 EQUALITY PRINCIPLES WITHIN EMPLOYMENT

8.1 Work Life Balance Policies

The College has a commitment to work life balance and has a number of support systems in place.

The Employment Relations Act 1999, the subsequent Employment Act 2002, and the Work and Families Act 2006 allow for greater flexibility in the workplace. Staff at Bilborough College are entitled to flexibility in the following areas. (NB. Other regulations in respect of the specific areas will be covered in the individual policies and procedures as referred to below).

- **Maternity**
The College administers not only the statutory maternity scheme but also an occupational maternity scheme. For more information of entitlements please refer to the *College's Maternity Policy and supporting Guidance Notes*.
- **Paternity**
The College administers both the statutory and a contractual paternity scheme; this is subject to eligibility and notification criteria. For more information of entitlements please refer to the *College's Family and Dependants' Leave Policy and Procedure*.
- **Adoption**
The College administers both an ordinary adoption scheme and an occupational adoption scheme. For more information on eligibility, entitlements and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure.
- **Parental**
Parental leave is an entitlement for all employees of the college, providing they have the necessary qualifying service, to take time off work to care for a child. The leave is unpaid. For more information on eligibility, entitlements and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure.
- **Dependants Leave**
Employees have the right to take dependants leave during working hours. The right applies to all employees regardless of length of service, hours worked, permanent or temporary. For more information on eligibility,

criteria and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure.

- **Flexible Working**

Bilborough College will give serious consideration to all reasonable requests for flexible working in accordance with The Flexible Working (procedural requirements) Regulations 2002 and the Flexible Working (eligibility, complaints and remedies) Regulations 2002. For more information on the criteria and circumstances under which such requests may be made please refer to *the College's Flexible Working (The Right to Apply) Policy and Procedure*.

- **Compassionate Leave**

Compassionate leave is available to all staff regardless of length of service. It is intended to assist staff in the event of bereavement or serious illness of a close family relative. For more information on eligibility, criteria and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure

- **Special Leave**

In addition to holiday leave, leave as a result of sickness or maternity, or family and dependants leave, there may be some other reasons why a member of staff needs to be absent from work which the College would be willing to support. For more information on eligibility, criteria and notification procedures please refer to the Special Leave of Absence Policy and Procedure.

- **Job Share**

Bilborough College will consider job sharing as a means of exploring the scope to open up, wherever possible, a much wider range of part time opportunities. For more information on eligibility and criteria please refer to the *College's Job Share Policy*.

8.2 Recruitment and Selection (Employment Specific)

- The College has a *Recruitment and Selection Policy and Procedure* which is applied in relation to all recruitment and selection processes, whether the posts are permanent, temporary or fixed term. It also applies to secondments and internal development opportunities where appropriate. The Policy and Procedure is thoroughly and regularly reviewed to ensure that all aspects of equality and diversity have been considered.

8.3 Promotion and Career Development (Employment Specific)

- The College, where possible, will offer promotional and career development opportunities for existing staff. To ensure equality and a fair process the recruitment and selection procedure of the College is operated.

8.4 Training (Employment Specific)

- All staff are entitled to receive training and attend training events (both internal and external inset events). Training might be qualification or non qualification based, compulsory as part of the role or may support continuing professional development for an employee.
- All requests are considered on the basis of the need and relevance to the job being undertaken by the employee, and also budgetary considerations. A request will only be declined, postponed or offered on a conditional basis for legitimate business reasons.
- Please refer to the College's Staff Development Plan and the College's Staff Qualification Training Support Scheme for clarification of the type of support available.

9 EQUALITY PRINCIPLES WITHIN TEACHING AND LEARNING (Student Specific)

The College is committed to equality and diversity within the teaching and learning environment, as described in the following areas.

9.1 Student Admissions

The College aims not only to select students who have the ability and motivation to benefit from the courses which they intend to follow and who will make a contribution to college life, but also to ensure that no prospective or existing student is treated less favourably on any grounds stated in this policy. For further information see the College's Admissions Policy.

9.2 Widening Participation

The College is committed to widening participation in education and to enabling access to the college for a diverse range of students. The College's Widening Participation Strategy and Action Plan details this commitment.

9.3 Course Provision

The College will aim to make courses accessible to as wide a range of students as possible via increased flexibility, modularisation of programmes, in accordance with the philosophy and practice of inclusive learning.

9.4 Teaching, Learning and Assessment

The College values the diversity of backgrounds and experiences that students bring to the academic environment of the College and is committed to meeting the needs of a diverse and changing student body. The College aims to ensure that all teaching, learning and assessment strategies are equitable, undertaken with awareness of the different needs of students, and are directed towards the encouragement of academic and personal development.

The College recognises the importance of encouraging diversity to be reflected in the content of courses, teaching methods and forms of assessment as reflected in the College Charter

9.5 Careers Guidance

The College will provide impartial educational careers guidance and counselling to all students and ensure that they receive appropriate learning support to meet their individual needs.

9.6 Facilities and Services

All facilities and services provided by or in association with Bilborough College should operate in accordance with the College's Equality and Diversity Policy. This includes catering facilities, sports provision, retail outlets, conference and social activities.

9.7 Student Support

Support to students will be available through their Personal Tutor or Senior Tutors. Alternatively students may seek advice from Student Support, Additional learning Support and/or the College Counselling Service. Specific support will be provided where reasonably practicable to enable a student with a difficulty /disability to use particular facilities or services.

9.8 Monitoring

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

- Applications - success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Success rates
- Destination data
- Complaints
- Levels of student satisfaction

10 ACTION PLANNING

- The College undertakes to follow positive action measures as allowed by law to rectify disadvantages in employment or education provision revealed by monitoring.
- The three main schemes over which this policy has authority all have specific action plans, including monitoring arrangements, the division of responsibilities and how the scheme and progress will be publicised. The three main schemes are;
 - Disability Equality Scheme
 - Race Equality Policy
 - Gender Equality Scheme

11 PUBLICISING OUR POLICY AND PROGRESS

- We will publish to our Equality & Diversity Policy and Equality Schemes to the public (including students, work placement providers and staff).
- Our commitment to equality and diversity will be highlighted in our prospectus, annual report and annual financial statement. A summary of the results of our monitoring information will be included in our annual report and annual financial statements, where this does not breach individual confidentiality.
- All staff will receive a full copy of the policy as part of the Staff Handbook. The staff induction programme will highlight the college's commitment to equality and diversity, action to be taken by staff who suffer discrimination or harassment and the action to be taken against any perpetrators of such discrimination.
- A copy of the Equality & Diversity Policy is included on the student portal, and a summary is included on the student planner which is issued to all students at induction.

- A summary of the results of our monitoring information will be included in the appropriate college publication (e.g. newsletter). Any published information will have due regard for individual confidentiality.

12 COMPLAINTS OF DISCRIMINATION OR HARASSMENT

The college will seek to provide a supportive environment for staff or students who make claims of discrimination or harassment. Acts of discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence.

- 12.1 Staff who feel they are being discriminated against on any of the grounds set out in this policy by other members of staff should raise the matter under the Grievance Procedure or the Protection from Bullying and Harassment at Work Procedure as appropriate, which will, if the accusation is upheld, be treated as a serious disciplinary offence.

If, in the course of their work, college staff suffer discrimination from members of the public, the college will take appropriate action and provide appropriate support.

Any discriminatory behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

- 12.2 Students who feel they are being discriminated against on any of the grounds set out in this policy by other students should raise the matter under the College's Student Grievance Procedure or the Student Anti-Bullying Policy as appropriate, which will, if the accusation is upheld, be treated as a serious disciplinary offence.

Any discriminatory behaviour directed against students by staff will be dealt with under the staff disciplinary procedure.

13 STATUS, REVIEW AND EVALUATION / MONITORING

- 13.1 This policy has been agreed by the Corporation.
- 13.2 The Policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the College Equality & Diversity Steering Group.
- 13.3 As part of the review the Equality & Diversity Steering Group will seek and take into account the views of stakeholders including the consultation/

negotiating arrangements within the college, and appropriate equality bodies.

14 SOURCES OF HELP AND INFORMATION

Employees

There are several options available for staff if they wish to talk to someone regarding any aspect of the College's Equality & Diversity Policy or related issue. These include any member of the Senior Management Team, their line manager, Personnel representatives, or Union representatives from the College's recognised trades unions (UNISON, NASUWT, NUT, ATL or ACM) or the Staff Representative.

Students

There are several options available for students if they wish to talk to anyone regarding any aspect of the College's Equality & Diversity Policy or related issue. These include their tutor, a Senior Tutor, the Director of Student Support or the Assistant to the Director of Student Support. Students can also seek advice from any member of the College's Senior Management Team.