



Equality, Diversity & Inclusion Procedures

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Audience:	All Bradford College staff (including agency staff), staff of subsidiaries, Bradford College governors, students, visitors, contractors, sub-contractors and external partners.
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Equality Impact Assessment	Yes

Revision history

Version	Type (eg replacement, revision etc)	Date	History (reason for changes)
1	replacement	July 2020	Clarification and simplification of College procedures

Monitoring and review

This procedure will be reviewed by the Equality, diversity and Inclusion committee every 3 years.

Purpose of the Policy

Bradford College is committed to tackling inequality and discrimination, advancing equality of opportunity and promoting good relations for all. The College seeks to ensure that this commitment is reflected in everything that it does and that all Corporation members, staff, students, partners, visitors, contractors and subcontractors working on behalf of the College share this commitment. Our aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

Procedures

The College will:

- Challenge discrimination, harassment, bullying and victimisation, and secure compliance with this commitment through a variety of both formal and informal means.
- Ensure the Equality, Diversity & Inclusion Policy and procedures are adhered to, implementing any necessary actions if the policy is breached.

The Vice Principal, Quality & Student Experience is responsible for ensuring:

- The Equality, Diversity & Inclusion Policy and procedures are adhered to and implementing any necessary actions if the policy is breached.
- As part of the self-assessment (FE)/annual evaluation (HE) processes, programme areas, central services and the College identify where different groups are performing differently and actions to be taken to eliminate these differences.
- In accordance with the public sector equality duty (April 2011), due consideration is given to the potential impact of quality of service delivery/College experience, on groups of staff and students for all its policies and procedures.
- The College has in place a Single Equality Scheme and action plan that includes all the protected characteristics.
- The College's Corporation receives the minutes and recommendations from its Equality, Diversity and Inclusion Operational Committee, whose remit is set out in its terms of reference and annual calendar of business.
- The College's Equality, Diversity & Inclusion Policy is included as part of a new Corporation member's induction
- All Corporation members, staff, students, partners, visitors, contractors and sub-contractors working on behalf of the College aware of the college commitment to tackling inequality and discrimination, advancing equality of opportunity and promoting good relations and will secure compliance with this commitment through a variety of both formal and informal means.
- In accordance with the public sector equality duty (April 2011), due consideration is given to the potential impact of quality of service delivery/College experience, on groups of staff and students for all its policies and procedures.
- External partners which the College work with must comply with the College's Equality, Diversity & Inclusion Policy and share the College's commitment to Equality, Diversity and Inclusion, as set out in its Equality, Diversity & Inclusion Policy Statement.
- When drawing up agreement or contracts with external partners, the College must ensure that external partners are made aware of the responsibilities outlined above and must assure itself that the external partner has appropriate policies and procedures in place regarding Equality, Diversity and Inclusion.
- The College's Equality, Diversity and Inclusion Committee monitors Equality, Diversity and Inclusion data relating to students and staff.
- The Single Equality Scheme and action plan is

- The Leadership teams evaluates the full range of data in the College's self-assessment report (FE)/Route evaluation reports (HE) and identifies actions to eliminate these differences.
- Monitoring the Access and Participation Plan (APP) which articulates the College's commitment to improving equality of opportunity for underrepresented groups.
- Monitoring will also include assessing how the Equality, Diversity & Inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering taking action to address any issues.

The Assistant Principal, Student Services is responsible for ensuring:

- Heads of Departments are briefed about the implementation of the Equality, Diversity & Inclusion Policy and Procedures.
- The College Charter is regularly, reviewed in light of current Equality, Diversity and Inclusion legislation and shared with all students, wherever they are studying.

The Assistant Principal Curriculum FE and HE is responsible for ensuring:

- The Equality, Diversity & Inclusion Policy is operationalised through the design and delivery of the curriculum.

The Head of Department for Student Services is responsible for ensuring:

- The College Charter is updated annually and shared with all students, wherever they are studying through the student induction.
- Student Induction supporting information and online videos / supporting information are reviewed and approved by the Head of Student Services.
- Guidance and suggested teaching materials in relation to Equality, diversity and Inclusion are available for staff to use at induction and group tutorial sessions.
- There are opportunities for students to recognise when they are at risk and know how to get help when they need it.

Head of Facilities Management is responsible for ensuring:

- Contractors and sub-contractors comply with the College's Equality, Diversity & Inclusion Policy.

Head of Department for SEND, ALS & Library Services is responsible for:

- Ensuring that students with appropriate evidence as per the Learning Support Policy have their support requirements assessed and met.

Head of Student Recruitment is responsible for ensuring:

- Visitors are made aware of the College's Equality, Diversity & Inclusion Policy before entering any site.
- The admissions criteria allow for widening participation by those sectors which are currently under-represented within the College's Further and Higher Education cohort.

All Heads of Department are responsible for ensuring:

- Key issues including Equality, Diversity and Inclusion are included as part of the review of curriculum programmes
- The teaching team makes clear to students that discrimination, harassment, bullying and victimisation will not be tolerated.
- That teaching teams agree with students during induction a code of conduct to which they will all adhere. This agreement to be given a prominent position in the classroom.
- Where an incident involving discrimination, harassment, bullying or victimisation occurs in the classroom, the teacher should refer students to the College Charter, the student induction and any agreed code of conduct.
- That staff Refer to the Student Positive Behaviour Policy and Student disciplinary Procedures and take appropriate action to address incidences of unacceptable behaviour.
- Where an incident involving discrimination, harassment or bullying occurs outside the classroom, the matter will normally be resolved through the College's disciplinary processes.
- That data available for each of the protected characteristics is monitored and appropriate action taken to advance Equality, Diversity and Inclusion.
- Enrolment, retention, achievement and success data is monitored through Performance reviews. Where there are differences in the data for different groups of people, actions to eliminate these differences are identified in the self-assessment reports.

Students are responsible for ensuring:

- Their behaviour and conduct always demonstrate respect, and values people's differences.
- They undertake a student induction led by a member of the teaching team for their course and actively engage in their learning to promote a positive environment for all students and staff.
- They fully support and cooperate with policies and actions designed to deliver a safe and nurturing environment within College and in any other College or learning-related setting.
- All incidents, where discrimination, harassment, bullying or victimisation has occurred relating to the protected characteristics of others, be this on or off premises used by the College are reported to a member of staff.

Employees are responsible for ensuring:

- Their behaviour and conduct and the advancement of Equality, Diversity and Inclusion both in their classrooms/work areas and on premises used by the College aligns with the College Values
- The completion of the mandatory training in relation to Equality, Diversity and Inclusion within their probation period of employment with the College.
- Participation in staff development ensuring that mandatory Equality, Diversity and Inclusion training is renewed every three years.
- All incidents involving College students or staff where discrimination, harassment, bullying or victimisation has occurred relating to the protected characteristics of others, be this on or off premises used by the College are reported.
- Intervening where they feel this does not put them at personal risk/harm.
- Where an incident involving discrimination, harassment, bullying or victimisation occurs and this involves a member of staff, it should be reported to the member of staff's line manager.
- An awareness and understanding of the Code of Practice, Whistleblowing Policy, Grievance Policy, Harassment and Bullying Policy and rules relating to the Conduct of Staff and know how to act in response to any concerns that they identify, or that are brought to their attention.
- Where an incident involving discrimination, harassment, bullying or victimisation occurs in the classroom, the teacher should refer students to the College Charter, the student induction and any agreed code of conduct

- Where an incident involving discrimination, harassment or bullying occurs outside the classroom, the matter will normally be resolved through the College's disciplinary processes.
- They refer to the Student Positive Behaviour Policy and Student disciplinary Procedures and take appropriate action.
- College staff meeting/employing visitors, contractors and sub-contractors are responsible for making them aware of the College's Equality, Diversity & Inclusion Policy.
- Understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public.

Appendix 1 - Definitions

Jargon/Key word	Definition
Diversity	Diversity is about acknowledging, respecting and valuing differences between individuals and groups of people.
Equality	Equality is about making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but it recognises that their needs are met in different ways. Equality is the framework that enables opportunity, access, participation and contribution that is fair and inclusive.
Protected Characteristics	Protected characteristics (previously called “strands”) are definitions for groups of people given protection under the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership pregnancy and maternity, race, religion and belief, sex and sexual orientation. (See Appendix 2, item 5 for details.)
Direct Discrimination	Someone is treated less favourably than another person because of a protected characteristic.
Direct Discrimination by Association	Someone is treated less favourably because they associate with another person who has a protected characteristic.
Direct Discrimination by Perception	Someone is treated less favourably than another person because others think they have a particular protected characteristic.
Indirect Discrimination	A rule or policy that applies to everyone, but disadvantages people with a particular protected characteristic
Harassment	Someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive hostile, degrading, humiliating or intimidating, even if this behaviour is not directed at the person making a complaint.
Victimisation	Someone is treated badly because they have made/supported a complaint or grievance under the Act.
Discrimination arising from a disability	A disabled person is treated less favourably a disability because of something connected to their impairment.
Reasonable adjustment	The duty to make reasonable adjustment comprises three requirements. For education providers, these requirements are to take reasonable steps to: <ul style="list-style-type: none"> • avoid the substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage compared to those who are not disabled; • remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts disabled students at a substantial disadvantage compared to those who are not disabled; • provide an auxiliary aid where disabled students would, but for the provision of such an auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.
the Act	The Equality Act 2010
EHRC	The Equality and Human Rights Commission has duties to promote human rights and equality and to provide advice about the law so that discrimination is avoided. It also has powers to enforce discrimination law in some circumstances.
EDIMs	Equality, Diversity and Inclusion impact measures are actions an organisation takes to advance Equality, Diversity and Inclusion.

Equality Impact Assessment	This is a process whereby a policy, procedure or practice is reviewed, and if necessary amended, to ensure that it does not discriminate against any group or individual with a protected characteristic.
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1. The Equality Act 2010

The information below is guidance from the Equality and Human Rights Commission (EHRC), with some examples from the Government Equalities Office.

- The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

3. Timeline for Implementation of the Equality Act 2010

The majority of the Act came into force on 1st October 2010 and related to employment, equal pay and services and education. However, there are other duties which will come into force in the future. These are the public sector equality duty and age protection outside the workplace.

- The College's policies and procedures are updated in line with the Equality Act 2010 and will be updated in light of subsequent Equality, Diversity and Inclusion legislation. This is the responsibility of post holders identified as being the "person responsible" on College policies and procedures.

5. Protected Characteristics

Protected characteristics (previously called "strands") are definitions for groups of people given protection under the Equality Act 2010.

5.1 Age

A person belonging to a particular age (e.g. 32-year olds) or range of ages (e.g. 18-30-year olds).

5.2 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Long-term means that the disability has lasted or is likely to last for at least 12 months. Substantial means more than minor or trivial.

5.3 Gender Reassignment

This is the process of transitioning from one gender to another. This transitioning process is a personal process, rather than a medical process, i.e. it does not require someone to undergo medical treatment in order to be protected. Transsexual refers to a person who has the protected characteristic of gender reassignment. It is important not to confuse gender reassignment with sexual orientation. A transsexual person can be a gay man, lesbian, heterosexual or bisexual.

5.4 Marriage and Civil Partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

5.5 Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

5.6 Race

Race refers to a group of people defined by their race, colour, nationality (including citizenship) and ethnic or national origins.

5.7 Religion or Belief

Religion means any religion and includes a lack of religion. A religion need not be mainstream or well-known to gain protection as a religion. However, it must have a clear structure and belief system. Belief means any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

5.8 Sex

A male or a female.

5.9 Sexual Orientation

A person's sexual attraction towards persons of the same sex (i.e. a gay man or a lesbian), persons of the opposite sex (ie heterosexual) or persons of either sex (i.e. bisexual).

6 Discrimination, Harassment and Victimisation

The Equality Act 2010 gives protection to people who have, are perceived to have, or associate with someone who has a protected characteristic. It also gives protection against harassment and victimisation.

6.1 Direct Discrimination

Someone is treated less favourably than another person because of a protected characteristic.

An example of direct discrimination - A further education college rejects a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. This would be unlawful direct discrimination on the grounds of sex.

6.2 Direct Discrimination by Association

Someone is treated less favourably because they associate with another person who has a protected characteristic.

An example of direct discrimination by association - Julie applies to join a language class and discloses to the tutor that her boyfriend is Jewish, although she is not. The tutor then tells Julie that he made a mistake and the class is actually full. Subsequently, however, Julie discovers that others have been allowed to join the class after she was refused entry. The tutor's conduct is likely to amount to direct discrimination because of religion or belief as a result of Julie's association with her Jewish boyfriend.

6.3 Direct Discrimination by Perception

Someone is treated less favourably than another person because others think they have a particular protected characteristic.

An example of discrimination by perception - Rupert, a landlord, advertises a flat in a local paper and Ian meets Rupert to find out further details. Rupert assumes because of Ian's mannerisms and voice that Ian is a gay man, when he is in fact heterosexual. As Rupert does not want to rent his property to a gay man, he informs Ian that the flat is no longer on the market. This is direct discrimination because of sexual orientation, due to the landlord's perception that Ian is a gay man.

6.4 Indirect Discrimination

A rule or policy that applies to everyone, but disadvantages people with a particular protected characteristic.

An example of indirect discrimination - In a neighbourhood that includes a large Jewish community, a local community group provides lunches for elderly people but they say that because their supplier cannot provide kosher meals they are unable to provide meals for their Jewish customers. The policy not to provide kosher meals would disadvantage Jewish people in particular. The community group's policy not to provide kosher meals is unlikely to be justifiable since they could simply seek alternative suppliers that can supply kosher food.

6.5 Harassment

Someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive hostile, degrading, humiliating or intimidating, even if this behaviour is not directed at the person making a complaint.

An example of harassment – A member of staff makes a derogatory remark about a student going through gender reassignment. Another member of staff finds the tutor's remark offensive. The member of staff's derogatory remark would be harassment.

6.6 Victimisation

Someone is treated badly because they have made/supported a complaint or grievance under the Act.

An example of victimisation – An employee training project ran a seminar for unemployed people to help them prepare their CVs. Mehmet, a Muslim delegate, wrote to complain that he was not excused from the seminar to go and observe his afternoon prayers. The next time Mehmet applied to attend the seminar, he was told that there were no places left but he later found out that his friend had been given a place, even though he had applied later than Mehmet. Mehmet argued that this was victimisation because he had made a complaint related to his religion.

6.7 Discrimination arising from a disability

A disabled person is treated less favourably because of something connected to their impairment.

An example of discrimination arising from disability - A student with autism often speaks out of turn during tutorials which can create a disruptive atmosphere for the tutor and other students. Because of his behaviour, he is asked not to attend tutorials. This is likely to be discrimination arising from disability.

7 Reasonable Adjustment

The Equality Act 2010 requires reasonable adjustment to be made for someone with a disability. The duty to make reasonable adjustment comprises three requirements. For education providers, these requirements are to take reasonable steps to:

- avoid the substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage compared to those who are not disabled;
- remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts disabled students at a substantial disadvantage compared to those who are not disabled;
- provide an auxiliary aid where disabled students would, but for the provision of such an auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

8 Positive Action

8.1 Positive action means offering targeted assistance to people so that they can take full and equal advantage of particular opportunities. Putting it another way, positive action means taking action to ensure that all groups of people have equal opportunity of access to the College's services. Positive action is optional, not a requirement. Positive action is lawful.

8.2 Positive action is not the same as positive discrimination. Positive discrimination means explicitly treating people more favourably on the grounds of a protected characteristic. Positive discrimination is unlawful except in the case of disability. In the case of disability positive discrimination is lawful as long as it is appropriate to achieve equality of opportunity between disabled people with different impairments.