

Equality and Diversity Policy (Including Equality Objectives 2016 – 2020)

(Incorporating: Approach to Single Equality & Equality and Diversity Statement)

This document is available in alternative formats upon request.
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Putting Students First

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Background

UK Legislation

Before the Equality Act 2010, separate equality duties spanned different legislation and were restricted in their focus to sex, race and disability discrimination¹. The first of these was the race equality duty, created by the Race Relations (Amendment) Act 2000 (the catalyst for change for UK equalities legislation), which amended section 71 of the Race Relations Act 1976. Prior to its amendment section 71 of the 1976 Act contained a limited duty, imposed on local authorities, requiring them to:

... make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need to ... eliminate unlawful racial discrimination; and to promote equality of opportunity.

This limited duty was thought to be ineffective, and following a rigorous review of all UK equality legislation, including thorough consultation, the Equality Act 2010 came in to force on the 1st October 2010.

The Public Sector Equality Duty (PSED)

The Public Sector Equality Duty came in to force on 5 April 2011. The main duty is set out in section 149 of the Act and requires **ALL** public authorities in the exercise of their functions, “have due regard to the need to”:

- **Eliminate** conduct that is prohibited by the Act, such conduct includes discrimination, harassment and victimisation related to the protected characteristics as detailed below.
 - **Advance** equality of opportunity between persons who share a ‘protected characteristic’ and those who do not
 - **Foster** good relations between persons who share a ‘protected characteristic’ and those who do not
- (these are known as the three ‘arms’ of the Act)**

Protected Characteristics

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Specific Duties (SD)

The Equality Act 2010 (specific Duties) regulations 2011 came in to force on 10 September 2011. These require the college to:

- Publish information to demonstrate compliance with the PSED (NB: the College produces an annual PSED report in December each year. It is approved by the Corporation and made available on the College website)
- Publish one or more equality objectives. Objectives were reviewed during 2016 and published within this document. Objectives are reviewed annually by the College senior management team and Corporation.
- Under take equality impact assessments (EqIAs)²

¹ Sex discrimination Act 1075; Race Relations Act 1976; Disability Discrimination Act 1995.

² Although the law does not require public authorities to carry out EqIAs, the courts place significant weight on the existence of some form of documentary evidence of compliance with the PSED when determining judicial reviews

The Isle of Wight College – equality journey

Our commitment to providing the best we can for our students and staff is demonstrated in our approach to providing equal opportunities for all, by aiming to remove barriers and disadvantage and create a mutually respectful culture within the college. Our approach to equality provides us with an opportunity to understand the barriers and inequality that people face in society today so that we can work to provide better life chances for those who wish to access further education and employment at the college.

We are committed to equality and diversity, and challenging all forms of discrimination by ensuring that equality and diversity is at the heart of all that we do. We have taken and continue to take steps to proactively promote equality and diversity regardless of a person's protected characteristic. Our aim is to ensure that we provide opportunities for everyone to reach their potential.

Our whole organisational approach to equality ensures that we meet the college mission of 'putting students first', working for employers and supporting our community. This approach also enables us to promote the college values, ensuring that all members of staff and governors work in a professional manner at all times, respecting and valuing the diversity of all those who wish to study and work at the college.

Evidence continues to show that the local community is changing, becoming increasingly diverse. In the midst of national social change and economic impact we continue to focus on inclusion, encouraging and promoting opportunities for learners and staff from all sectors of the community, including proactively encouraging international students to access learning and employment at the college. We do this as part of our commitment to maintaining a culture that promotes equality and respect and a college that does not tolerate discrimination in any form.

The PREVENT Duty is providing the college with an opportunity to actively promote an awareness and training opportunities to keep students and staff safe from radicalisation and extremism. This also includes the development of equality objectives to support work in this area. The PREVENT agenda is a college priority and work continues to be developed in this area through the college PREVENT risk assessment and action plan.

Our approach to equality and diversity provides us with the opportunity to develop policies and procedures that meet our statutory requirement under the Public Sector Equality Duty (PSED) and Specific Duty (SD). Within this document we demonstrate our commitment as well as promoting our equality objectives. We continue to promote equality and diversity in all that we do and following the 2017 Self Assessments Report (SAR) process the college has once again been rated as 'outstanding' for our work its equality and diversity.

Maintaining an Inclusive College

The college is a leading provider of education, learning and training, a significant employer and holder of public and private funds and therefore has a duty to ensure that people from different sections of the community have equal and fair access to our services.

We are committed to creating and maintaining an environment where learners, customers, staff, governors and other stakeholders celebrate equality and diversity in all activities. We believe that equality is more effectively met when it is embedded across a range of activities. We are committed to providing the best that we can for our students and staff by removing barriers and disadvantage and creating a mutually respectful culture within the college.

As a college, we have a zero tolerance towards bullying and harassment, and will take appropriate action to deal with any occurrence. This commitment means that we will, whatever a person's protected characteristic, circumstances or background, ensure that we:

- enable the development people's ability to achieve their potential which is not limited by prejudice or discrimination

- provide a culture of respect for and protection of each individual's human rights
- ensure there is a respect for the dignity and worth of each individual
- make sure individuals have an equal opportunity to participate in society, and
- support a culture of mutual respect between groups based on the understanding and valuing of diversity as well as a shared respect for equality and human rights.
-
- The college has made available a chaplain who is available to support both students and staff. There is a quiet room which is available for quiet for both prayer and private contemplation.

This policy places an obligation on staff and students to treat everyone with dignity and respect.

Implementation and actions

The College Corporation is responsible for ensuring that all staff, students, sub-contractors and service providers are aware of their rights and responsibilities with regard to equality.

The college is committed to the following actions in order to fulfil this policy:

- Promoting an organisation where people are treated with respect and dignity and where no form of intimidation or harassment is or will be tolerated.
- Taking reasonable steps to prevent any form of harassment, direct or indirect discrimination or victimisation.
- Taking reasonable steps to make sure that no applicant whether student or staff is placed at a disadvantage by stipulated requirements or conditions.
- Consulting with staff, students, governors and the local community on issues relating to Equality and Diversity and its advancement.
- Keeping records about the protected characteristics of all those seeking education, training, employment or other services. Furthermore staff will be required to complete Disclosure and Barring Service (DBS) processes to ensure their suitability for post.
- Ongoing consultation with staff and student representatives as to the most appropriate mechanism and approach for gathering information relating to the protected characteristics for current and future employees and students.
- Confidential and anonymous profiling of all students and staff to monitor inclusion of all groups represented by the Equality Act 2010.
- Meeting the requirements of the Equality Act 2010, PSED and SD

Additional guidance on how to consider the dignity of individuals can be found in Appendix B

Equality Objectives

The equality objectives have been developed through consultation with our stakeholders following analysis of college data and information. Progress against these objectives are reviewed and monitored through the college management processes and ongoing reports to the Corporation Board.

Equality Objectives 2016 – 2020 Equality & Diversity objectives (formerly known as EDIMS) 2016 – 2020 – progress update EDWG March 2018)

	Objectives	Actions	SMT Lead
1	<p>Leadership and Management</p> <p>1.1 Learners' destinations – make full use of the data available to ensure that all groups of learners secure the same high levels of positive destinations to employment and further study.</p> <p>1.2 Progress on level 3 graded qualifications – research what data is available to monitor the progress of different groups of learners, and based on the findings set targets to ensure all learners make good progress.</p>	<ul style="list-style-type: none"> Develop college systems so that destinations of key groups are available. Analyse destinations data by E&D groups to identify where progression gaps exist Set actions to close any gaps identified and measure impact through SAR and QIP Research what data is available to monitor progress of different groups of learners. Based on the findings set targets to ensure all learners make good progress 	<p>FW</p> <p>FW</p>
<p>Progress against objectives:</p> <p>1.1 It is possible to analyse destinations by key groups including age, gender, learning difficulty and disability, ethnicity, free college meals and high needs via the colleges' internal destination database. These reports are available for predicted and actual destinations and were reported in the 16/17 self-assessment reports for the first time.</p> <p>1.2 The Ofsted inspection dashboard data analyses overall A level, academic, vocational (including applied general and technical level) data by male/female and disadvantaged/not disadvantaged. Disadvantaged measures are now available on the level 3 DFE value added data provided to the college. In 16/17, the college purchased ALP reports on gender for the L3 BTEC programmes. The College achieved an overall ALPs grade 3 with males and females both achieving a 3 also.</p>			
2	<p>Teaching and Learning</p> <p>2.1 E&D is evaluated as good or best practice in at least 85% of observations where it is commented on.</p> <p>2.2 Improve the satisfaction of learners with a disability to at least 93% (Based on student satisfaction survey question 'I am happy with my course' (2016 baseline: students with a disability = 88%, cross college all learners = 93%))</p>	<ul style="list-style-type: none"> E&D Manager to receive copies of all observations where E&D is evaluated so that appropriate support can be put in place or good practice shared. Provide training to college observers to ensure they are suitably skilled and experienced in identifying E&D in observations Identify if satisfaction levels for learners with a disability vary significantly across the college. If low undertake an investigation. Review completed surveys for learners who have disclosed that they have a disability to see if written comments provide any insight into the issues and what actions could be taken to address them. E&D Manager to discuss with curriculum manager for Pathways to see if she can provide any suggestions of actions to improve satisfaction. 	<p>RW</p> <p>RW</p>

Objectives	Actions	SMT Lead
<p>Progress against objectives:</p> <p>2.1 Observations are reviewed on an annual basis. Information is used to inform the annual SAR process. In 2016/17, 82% of observations where E&D was commented on rated it as good or best practice.</p> <p>2.2 Satisfaction levels are reviewed as part of the annual SAR process. In 2016 and 2017 the satisfaction of students with a disability remained constant at 88%, compared to the all college average of 93%. Work to improve user satisfaction for students who declare they have a disability was undertaken in Nov 17 (130 students) and reported to the college EDWG. Further work is scheduled following the 17/18 student survey to identify any improvements. Should the results remain the same or worse further will be undertaken by the E&D Manager and Head of Student Advocacy and Safeguarding.</p>		
<p>3</p>	<p>Personal development, behaviour and welfare of learners (PDBW)</p> <p>3.1 Continue to develop the college's response to tackling extremism (the PREVENT agenda) and the positive promotion of British values:</p> <ul style="list-style-type: none"> • 94 of staff and governors to have completed relevant training in the Prevent agenda, and participate in updating at least every three years <p>3.2 95% of teaching and assessing staff to have participated in training to enable them to embed the promotion of British values through teaching and assessing</p>	<ul style="list-style-type: none"> • Monitoring of staff training • Ongoing development of training course/materials • Ongoing development of resources to protect learners from the risks associated with radicalisation, extremism, abuse, grooming, bullying • Learners feel safe in college – review of student survey results • Learners understand their rights and responsibilities <ul style="list-style-type: none"> • Further development of T&L resources
<p>Progress against objectives:</p> <p>3.1 Staff training is monitored by the HR team and reported in the HR SAR on an annual basis. British Values are promoted throughout the college campus and within SOW for curriculum delivery. Currently 94% of staff have completed the training. A small number of new staff had difficulties logging on to the system, which hindered their completing the training. This has been rectified and these staff are now completing the training.</p> <p>3.2 Ongoing development of resources by the LRC & E&D Managers provided for staff on Office 365. The LRC Manager promotes these on an ongoing basis to all college staff</p>		
<p>4</p>	<p>Outcomes for learners</p> <p>4.1 To continue to close the gap in the achievement rate between male/female learners so that it is no more than 4%, for overall college data for learners aged 16-18, 19+ and all ages combined</p> <p>4.2 Ensure the gap in achievement rates between learners from deprived areas does not increase beyond the college tolerance of 4%</p> <p>4.3 Improve achievement, attainment and wellbeing of young carers through the</p>	<ul style="list-style-type: none"> • Ongoing promotion of strategy to improve male SR • Review data on students from deprived areas to understand the nature of the problem, i.e. is it certain parts of the curriculum? Certain age ranges? Etc. • Bases on learning from previous point provide CPD event to support staff • AFA promoted throughout the college <ul style="list-style-type: none"> • Monitor data and report in annual SAR • Promotion of award to Young Carers and Department Heads
<p>RW</p>		<p>FW/LC</p> <p>FW/LC</p>

	Objectives	Actions	SMT Lead
	development and promotion of the Young Carers in College Award – achievement of the Bronze Award in 2017-18		RW
<p>Progress against objectives:</p> <p>4.1 In 16/17, there was a 2% 16-18 achievement rate gap in favour of males (87% males compared to 85% females). For 19+, there was a 2% gap in favour of females (97% females compared to 95% males). For all ages, there was a 3% gap in favour of females (93% females compared to 90% males).</p> <p>4.2 In 16/17, the achievement rate for 16-18 & 19-24 EFA funded learners from a deprived ward was 85%, which although is 2% less than overall college achievement rate, is within the 4% agreed tolerance.</p> <p>4.3 The initial assessment process is underway and will be taken forward by the Head of Student Advocacy and safeguarding and the E&D Manager</p>			

Date of review: March 2018

Approval by Corporation Board: March 2018

Date of next review: March 2019

Appendix A – Management of Equality and Diversity at the College:

How We Monitor What We Are Doing

There are a number of very specific ways that we monitor what we do as part of our approach to the promotion of equality and diversity. These relate to governance, policies and monitoring.

Governance

Our college Governors are actively involved through a nominated lead governor for equality and diversity. This provides the opportunity for both support and challenge. Regular review, discussion and support to the college management team in pursuit of the college meeting its public sector equality duty is seen as fundamental to the college's ongoing success with regards to equality and diversity.

Governors are involved in the review of key policies, agreeing our equality objectives, and annual reporting of equality information and progress against our plans. Governors also work with the college in considering items such as whether the college should volunteer to adopt an overarching principle of positive action. Governors receive regular reports on the college's work and progress with regards to equality and diversity.

Management

The college employs an E&D Manager. This is to provide dedicated focus on this area of college life. The E&D Manager works with governors, staff and learners, as well as supporting links with community organisations representing people with specific protected characteristics. This post holder is briefed to provide support with statutory compliance, supporting curriculum teams, and keeping community links to support our work in meeting our Equality Objectives and broader Equality Goals.

Equality & Diversity Working Group

We have a long established Equality and Diversity Working Group. This group meets regularly to discuss equality and diversity matters, such as the progress we are making on equality objectives, plans and ideas on how we can move actions in our plans forward, proposed changes to policies, and any concerns or suggestion that have been put to members of the working group. Our college principal is a member of this group.

Student Surveys

We use student surveys to find out about student satisfaction, these include questions that help us to see how groups of students feel based on protected characteristics. We use information from surveys to improve our commitment to equality and diversity.

Accessibility

Campus - we have an on-going programme of accessibility assessment, and our facilities and services teams are required to consider physical accessibility and the needs of college users as part of site enhancement works. Individual risk assessments are carried out with the Health and Safety Campus Manager with students and staff, and with support from the Human Resources (HR) Team where appropriate.

College Information - we make use of web technology and adaptive software to make our information accessible for college users, and our college website includes tools such as Browse aloud, variable text size, switchable layout themes and content translation into over 40 languages to support people seeking information. We use feedback and innovations in software technology to continually develop our site to make it as inclusive as possible. We also produce a 'Guide for Students with Disabilities' that talks about practical support for learners.

College Policies and Procedures.

As a college, we have chosen to have an Equality and Diversity policy that is designed to encompass all protected characteristics. This policy also advises how to make us aware of any incident that may have occurred via the college complaints procedures.

This policy links with a range of staff and student policies and procedures that outline specific ways we will support our principle of an inclusive college. These include policies relating to equality impact assessment (sometimes called equality analysis), staff development, support for students, and employment conditions for staff as well as those that we would put in effect for resolving issues such as anti-bullying and harassment, disciplinary, complaints and diversity incident reporting.

Our HR department work with staff representatives to ensure that our policies and support for staff are inclusive and regularly reviewed.

Equality Analysis (Equality Impact Assessments)

We review our policies regularly to ensure that they remain current and relevant. When we review our core college policies, and also our functions and strategies, we will revisit equality impact assessments, and reflect on whether the approach being considered has positive, neutral or negative impacts for a specific protected characteristic. We use this reflective process to help us evaluate whether the approach we are proposing to take support our goals or maintaining an inclusive college environment. The actual assessments are held centrally at the college. We do not publish these on our website. We have chosen to do this to ensure data protection.

Monitoring

We monitor information about college staff and learners. Our Equality & Diversity policy provides more detail on the information we currently collect. We have stated that we want to extend the information we ask people to voluntarily disclose to include sexual orientation and religion and belief. This is to help us understand satisfaction levels, and whether the support we have put in place remains effective.

We use data gathered about the college to inform our **Equality Information**, check the progress we are making against our **Equality Objectives**, and consider actions we put into the college Quality Improvement Plan (QIP). The QIP is the internal college tool we use to check progress we are making, and report on it.

The law says that as a college, we are required to produce equality Information on an annual basis. We do this each year in December, once the information relating to students achievements has been confirmed. This information is published on the college website. This is the Public Sector Equality Duty report (PSED).

Equality Objectives - The outcomes of our activity during a college year against our Equality Objectives (formerly known as EDIMs), and general work to support equality and diversity is reported in the E&D Self-Assessment Report (SAR). As a college, we have chosen to set our Equality Objectives on a 4 year basis. The Equality Objectives we are working towards for the 2016 – 2020 period are available on the college website for people to see.

APPENDIX B

Considering the dignity of individuals

Equal opportunities is about treating everyone fairly and ensuring that services and facilities are accessible to all.

It encompasses the methods of work, attitude and behaviour of all individuals within the college, its outreach centres and on college activities whether they are students, staff, employers, sub-contractors or visitors.

The college operates a 'zero tolerance' to any infringement of its equality and diversity policy and procedures.

If proven, any infringement of this policy would be considered gross misconduct and dealt with through either the staff or student disciplinary procedure as appropriate.

Detailed guidance is attached to this policy, which is aimed at assisting everyone to understand the issues and legislation relating to equality and diversity. A glossary of terms is also provided. Please see appendix D.

Students

Where possible and appropriate, course structures will be designed in a flexible way in relation to the life circumstances and learning needs of the students. The college will treat all students with dignity, respect and as individuals in the provision of access to facilities, learning opportunities and support. Curriculum will be devised to positively promote all aspect of equality and diversity

Staff & Governor Training

All college staff and governors undertake appropriate training in equality & diversity.

Relationships with employers

The college will ensure that all employers and work experience providers have and implement an up-to-date and valid equality policy or are willing to accept the college policy.

Trade Union Membership

Employees may join a relevant union of their choice provided they are eligible to do so under the union's rules.

Contractors, Sub Contractors and Service Providers

The college has contracts with many organisations and individuals other than staff or students. Examples include: suppliers, contractors engaged to carry out work for the college and employers offering work experience to students. This list is neither exclusive nor exhaustive.

The college will make available to suppliers, contractors, employers or others who provide a service to the college the Equality and Diversity policy, where they do not currently have an Equality and Diversity Policy of their own, encourage them to work within the expectations of the college policy.

Dealing with Discrimination

The college will ensure that every support and assistance is provided to students, staff, contractors or other users who consider they have been a victim of discrimination, harassment or victimisation.

All acts of unlawful discrimination, harassment or victimisation by staff or students shall be treated as disciplinary offences. Individuals can be held personally liable for acts of

discrimination and/or victimisation which they commit, authorise, contribute to or condone. In serious cases, this may lead to dismissal with or without notice or payment in lieu of notice.

Dealing with diversity related incidents

In the first instance issues related to equality and diversity will be dealt with through the college's complaints procedure. All incidents are recorded and monitored and appropriate action taken to support individuals in resolving the issues they have identified. Depending upon the nature of the incident this could be through reference to appropriate policy and procedure and in serious circumstances this may also involve referral to a third party such as the police.

Data and Target-setting

The Corporation is responsible for ensuring the development, implementation and monitoring of this policy.

The college collects data relating to protected characteristics age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex and sexual orientation in order to be able to support its equality objectives.

Information relating to students is gathered from a variety of sources such as:

- Applications
- Enrolments
- Student participation by course
- Student progression rates
- Satisfaction via surveys, focus groups and Student Voice
- Achievement rates

Information relating to staff is gathered from a variety of sources such as:

- Applications for employment
- Successful and rejected candidates
- Exit interviews
- Disciplinary, Grievance and Complaints
- Annual confidential and anonymous profiling of staff across protected characteristics groups
- Gender Pay Gap reporting requirements of current UK Equalities Law.

Information relating to governors is gathered from a variety of sources such as:

- Applications to become a governor
- Successful and rejected candidates
- Governor profile
- Exit interviews

Data Protection

All personal information collected for the purpose of equality and diversity monitoring will be treated as confidential and not misused, in accordance with the Data Protection Act 1998.

Continued Effectiveness of this Policy

This policy will be regularly reviewed by the college's Equality and Diversity Working Group, which may recommend further action for approval by the Corporation.

Formal Corporation monitoring of our progress in relation to equality and diversity will occur as follows:

- March - annual review of the Equality and Diversity Policy and equality objectives.
- December (or soonest meeting thereafter, once the data is available) - update to Public Sector Equality Duty Report (PSED) report on equality information to show success rates for all learner groups.

Appendix C

Equality & Diversity Guidance Notes – types of discrimination

This is a guide for all members of staff, students and contractors to assist them in understanding what is meant by the term “equality and diversity” and in making the college’s commitment to equal opportunities a reality. The document includes the following:

- What is discrimination
- What is the law relating to equal opportunities
- What are the responsibilities of all parties concerned

It is hoped that this document will give all concerned a greater understanding of equal opportunities and encourage everyone to participate actively in implementing and monitoring the success or otherwise of the college’s equality and diversity policy.

Direct discrimination

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

Associative discrimination

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

Perceptive discrimination

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

Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your organisation, i.e. that it is ‘a proportionate means of achieving a legitimate aim’. A *legitimate aim* might be any lawful decision you make in running your organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you’ve looked at ‘less discriminatory’ alternatives to any decision you make.

Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and Association.

Third party harassment

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

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

Bullying – is often associated with the workplace or learning environment. Anyone can be a bully. The essence of bullying is taking advantage of weakness. Bullying is unacceptable; it devalues individuals and as such is completely against the ethos of equal opportunities.

- **Positive Action** - The Equality Act enables employers/service providers to encourage applications/participation from persons from particular protected characteristic groups if they are -represented in specific occupations or activity. Legislation also enables organisations to seek or establish training courses exclusively for existing employees from underrepresented groups. These measures are known as 'Positive Action'. However, it would be unlawful for applicants to receive favourable treatment during the recruitment process.
- **Genuine Occupational Qualification** - When recruiting, an employer can discriminate in favour of a person with a particular protected characteristic where a person's protected characteristic is a genuine occupational qualification (GOQ) for a particular job. GOQs can be claimed in very limited circumstances, for example where considerations of privacy and decency or authenticity are involved. (For example, a woman working in the female changing facilities of a college)

Other areas to consider:

The introduction of the Equality Act 2010 meant that a large number of pieces of previous statute were repealed, but the following legislation is also considered:

- Copyright, Designs and Patents Act 1988
- Children Act 1989
- Children Act 2004
- Equality and Human Rights Act
- Race and Religious Hatred Act 2006

What are the responsibilities of all parties concerned?

Personal Liability – If a member of staff, in the course of their employment, discriminates unlawfully against any individual on the grounds of race, gender or disability they may be personally liable.

Vicarious Liability – The college, as an employer, is liable for any discriminatory act carried out, with or without its knowledge or approval, by an employee in the course of his or her work unless it can demonstrate that all practicable steps were taken to prevent the employee discriminating.

All full-time and part-time employees and job applicants (actual or potential) will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of his or her relevant merits, aptitude and ability. All positions (except those subject to legal exemption) will be equally open to all members of the community.

Complaints and Grievances

Any student, member of staff, sub-contractor or visitor who believes they have been treated less fairly than others, discriminated against or victimised should make a formal written complaint to the Assistant Principal (Teaching, Learning, Students & HR). Whilst complaints will be dealt with under the published Complaints Procedure, those considered to relate to equality of opportunity will be reported to the Equality & Diversity Working Group at the first opportunity for monitoring purposes. There is a separate more confidential procedure for sexual harassment.

All members of staff, students or college visitors are also able to complete Diversity Incident reporting forms that form part of the college complaints procedure.

APPENDIX D

Glossary of Terms Associated with the Equalities Act 2010

Advancing equality: The Equality Act 2010 states that this involves having due regard to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic
- meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- encourage persons who share a relevant protected characteristic to participate in public or in any other activity in which participation by such persons is disproportionately low.

Age: This refers to a person having a particular age (e.g. 32 year-olds) or being within an age group (e.g. 18-30 year-olds).

Civil partnership: Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Compliance notice: The Equality and Human Rights Commission can, if a public authority does not comply with its general or specific duties, serve a compliance notice on that authority under section 32 of the Equality Act 2006. The notice will state that the authority must meet its duty and inform the Commission within 28 days what it has done or is doing to meet its duty.

Direct discrimination: This refers to less favourable treatment because of a person's protected characteristic.

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 their ability to carry out normal day-to-day activities.

Engagement: A broad term, intended to cover the whole range of ways in which public authorities interact with their service users and their employees, over and above what they do in providing services or within a formal employment relationship.

Equality Act 2010: This brings together the majority of existing equality legislation into one place so that it is easier to use. It also strengthens the legislation in some areas. It sets out the protected characteristics that are protected by the law and the behaviour that is unlawful.

Equality analysis: Equality analysis involves looking at your equality information and the outcome of your engagement in order to understand the effect or potential effect of your decisions on different protected groups. The general equality duty does not specify how public authorities should analyse the effect of their policies and practices on equality

Equality information: The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This will include the findings of engagement with protected groups and others and the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

Equality objectives: A requirement to prepare, set and publish objectives is one of the specific duties set out under the equality duty. An organisation's objectives should aim to further one or more aims of the equality duty.

Equality outcome: The results that individuals or groups actually achieve and are able to benefit from. For example, equal pay between men and women.

Fostering good relations: The Equality Act 2010 states that having due regard to the need to fostering good relations involves having due regard, in particular, to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

Function: The full range of a public authority's activities, duties and powers.

General duty: The requirement to show due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not.

Harassment: Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

Indirect discrimination: This is when a provision, criterion or practice is applied in a way that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic, and is not a proportionate means of achieving a legitimate aim.

Marriage: Marriage in England and Wales is available to both opposite-sex and same-sex couples and is legally recognised in the forms of both civil and religious marriage.

Maternity: The period after giving birth. It 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, including as a result of breastfeeding.

Mitigation: This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups. For example, delivering a service by telephone alone may cause problems for those with a language barrier. Rather than changing the way the service is delivered, this could be mitigated by using telephone interpreting services.

Positive action: Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (e.g. providing mentoring to encourage staff from under-represented groups to apply for promotion).

Pregnancy: The condition of being pregnant.

Proportionality: The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

Protected characteristics: The equality duty covers the following characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are also referred to as protected groups.

Public authority: The general equality duty applies to public authorities. For this purpose, a public authority is a body that is named (listed) or described in Schedule 19 of the Equality Act. It also applies to other organisations who exercise public functions. This includes private bodies or voluntary organisations which are carrying out public functions on behalf of a public authority.

Public functions: The Equality Act 2010 defines a public function as a function that is of a public nature for the purposes of the Human Rights Act 1998.

Race: This is the protected characteristic of race. It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins as well as caste following government consultation in 2016.

Reasonable adjustment: Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

Relevance: How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

Religion or belief: Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

Sex: Someone being a man or a woman.

Sexual orientation: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Stakeholders: People with an interest in a subject or an issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it.

Statutory Code of Practice: A document which offers practical guidance on the law, has been approved by parliament and is admissible as evidence in a Court of law.

Trans: The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyny/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

Transsexual: A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may

change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

Victimisation: Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.



Appendix E

Annual Equality and Diversity Statement

The Isle of Wight College respects and values the social and cultural diversity of its students and employees by seeking to ensure that all have the opportunity to participate fully and achieve their potential irrespective of their Protected Characteristics' as defined by the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

In achieving this statement, the College is committed to promoting the three aims of the Public Sector Equality Duty (PSED) and has in the performance of its corporate responsibilities due regard to the need to:

- **Eliminate** unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010
- **Advance** Equality of Opportunity between people who share a protected characteristic and people who do not share it; and
- **Foster** good relations between people who share a 'protected characteristic' and people who do not share it

The College achieves the aims of the Public Sector Equality Duty by:

- Providing an inclusive learning and work environment which is free from prejudice, discrimination and any forms of harassment, bullying or victimisation
- Ensuring all policies, procedures and the design and delivery of the College services are free from discrimination and are appropriately monitored to respond to the diverse needs of all students, employees and the wider community
- Promoting awareness of each of the Equality Act 'protected characteristics'
- Investigating any learner and staff concerns
- Promoting a culture within the College that promotes 'positive' behaviours by students, staff and governors

The college champions diversity and inclusion by ensuring that:

- We create a visibly diverse environment which values difference and raises aspiration

- We offer flexible opportunities which meet local learning needs and enable all students to realise their potential
- All governors and staff are clear about standards and strategies to meet diverse learner needs and are equipped to respond effectively
- We secure the fullest participation of all learners and staff in all areas of college life and act to address under-representation
- We develop a staff profile, management team and governing body which reflect the learner community
- We undertake rigorous and open monitoring of learner and staff performance and experience to identify and act on equality gaps
- We develop comprehensive and imaginative feedback systems to capture learner, staff, governor and stakeholder perceptions of how we are doing and what we could improve
- We value learner and staff feedback to remain alert to patterns of inequality and related concerns which are not identified through statistical monitoring tools.

This document is available in alternative formats upon request. Please contact info@iwcollege.ac.uk or call 01983 526631