

Equality Policy

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1. Introduction

- 1.1 The Equality Act 2010 (the Act) consolidates and replaces most of the previous discrimination legislation for England, Scotland and Wales. The Act covers discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These categories are known in the Act as 'protected characteristics'.

2. Policy Statement

- 2.1 PETROC is committed to achieving an environment which provides equality of opportunity and freedom from unlawful discrimination.
- 2.2 This policy aims to prevent unfair and discriminatory practices and to encourage full contribution from its diverse community.
- 2.3 We are committed to actively opposing all forms of discrimination because of a protected characteristic: age, disability, race, sex, sexual orientation, religion or belief, pregnancy and maternity, marital or civil partnership status, or gender reassignment.
- 2.4 This policy embraces all the definitions and provisions contained in the Equality Act 2010.
- 2.5 All cases of discrimination, harassment or victimisation will be addressed in accordance with this policy and procedure.
- 2.6 A complaint of discriminatory behaviour may arise from the behaviour of learners, employees, contractors, agency workers, service users and visitors; and may be dealt with using the College's complaints procedure and/or the Staff Disciplinary Policy & Procedure (where staff are accused of the alleged discrimination).

3. Purpose of this Policy

- 3.1 The purpose of this policy is to ensure equality of opportunity and treatment afforded to each learner, current employee, potential employee or former employee, irrespective of their protected characteristics.
- 3.2 This policy sets out our intention to ensure that no applicant either as a learner, employee or former employee suffers discrimination, victimisation or harassment because of age, disability, race, sex, sexual orientation, religion or belief, pregnancy and maternity, marital or civil partnership status, or gender reassignment.
- 3.3 We will treat any reports or instances of such discrimination with the utmost

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seriousness and will investigate fully and invoke the disciplinary procedure if there are grounds to believe that any such misconduct has occurred.

- 3.4 To comply with its legal obligations, the College will collect data to monitor the effectiveness of this policy and to prevent instances of discrimination from occurring (see appendix 1).

4. Objectives of this Policy

- 4.1 To prevent, reduce and stop all forms of unlawful discrimination in accordance with the Equality Act 2010.
- 4.2 To ensure that recruitment, promotion, training, performance reviews, disciplinary action, grievances, pay, benefits, facilities, procedures, redundancy and dismissals and all terms and conditions of employment are determined only on the basis of capability, qualifications, experience, skills and productivity, and therefore free from discrimination.

5. The Scope of this Policy

- 5.1 This policy is applicable to learners, job applicants, current employees and former employees, and protects them in all aspects of their employment or education. All grievances or complaints of alleged discrimination, harassment or victimisation will be dealt with in accordance with this policy and procedure which is supported by other relevant policies and procedures.
- 5.2 The College seeks to apply this policy in the recruitment, selection, training, appraisal, development and promotion of all employees.
- 5.3 This policy is non-contractual in effect and does not form part of normal terms and conditions of employment. Its contents are not to be regarded by any person as implied, collateral or express terms to any contract made with the College.
- 5.4 The College reserves the right to amend and update the terms of this policy from time to time and to introduce a replacement procedure as may be required.
- 5.5 Associated Documentation:

College Publications:

- Learners Rights and Responsibilities
- Code of Conduct (staff)
- Learner Wellbeing Policy
- Safeguarding Policy
- Disciplinary Policy & Procedure (staff)
- Grievance Policy & Procedure (staff)
- Dignity At Work Policy & Procedure (staff)
- Whistleblowing Policy & Procedure (staff)

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Legislation:

- Children Act 2004
- General Data Protection Regulation (GDPR) 2018
- Equality Act 2010
- Human Rights Act 1998

6. Responsibility for the Implementation of this Policy

- 6.1 All learners, employees, subcontractors and agency workers are required to act in a way that does not subject any other learner, employee or service user to direct or indirect discrimination, harassment or victimisation because of age, disability, race, sex, sexual orientation, religion or belief, pregnancy and maternity, marital or civil partnership status, or gender reassignment.
- 6.2 Visitors and independent contractors on the College premises are also required to comply with the terms of the Equality Act 2010. Any instance of discriminatory conduct by any customer, supplier or other contact of the College will also be subject to its provisions.
- 6.3 The cooperation of all employees and learners is essential for the success of this policy. Senior Managers are expected to implement this policy and to try and ensure that all employees understand and support it.
- 6.4 Employees or learners may be held personally liable for their discriminatory acts independent of the College and, in some circumstances, an Employment Tribunal may order them to pay compensation to the person who has suffered as a result of a discriminatory act.
- 6.5 The College takes responsibility for achieving the objectives of this policy, and endeavours to ensure compliance with relevant Legislation and Codes of Practice.
- 6.6 Anyone who believes that they have been subject to treatment contrary to this policy should report the matter immediately to their Line Manager / Professional Tutor who will take such action as necessary to prevent any unlawful treatment from continuing.
- 6.7 This policy also seeks to prevent inadvertent discrimination by the College. If any employee or learner considers that any policy, criterion or practice adopted by the College amounts to indirect discrimination, they should raise the matter immediately with their Line Manager, Professional Tutor or Senior Tutor.

7. Protection for the Protected Characteristics

- 7.1 The Equality Act 2010 protects people from discrimination on the basis of a 'protected characteristic'.
- 7.2 The protected characteristics are:

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- Age
- Disability
- Race
- Sex
- Sexual Orientation
- Religion and Belief
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity

8. Definition of Discrimination

- 8.1 Discrimination is unequal or differential treatment that leads to one person being treated more or less favourably than how others are, or would be, treated in the same or similar circumstances because of age, disability, race, sex, sexual orientation, religion or belief, pregnancy and maternity, marital or civil partnership status, or gender reassignment.
- 8.2 Discrimination is generally prohibited unless there is a specific legal exemption.
- 8.3 Discrimination may be direct or indirect and may occur intentionally or unintentionally.

9. Types of Discrimination

9.1 Direct Discrimination:

- 9.1.1 This occurs when a person or a policy treats a person less favourably than another because of a protected characteristic: age, disability, race, sex, sexual orientation, religion or belief, pregnancy and maternity, marital or civil partnership status, or gender reassignment.
- 9.1.2 Under the Equality Act 2010, there is also protection against Direct Discrimination in the form of 'Perceptive Discrimination' and 'Associative Discrimination'.
- 9.1.3 Perceptive discrimination takes place when a person is treated less favourably because others think, correctly or incorrectly, that they possess a particular protected characteristic. This applies even if the person does not actually possess that characteristic or if the service provider knows that the person does not have the protected characteristic.
- 9.1.4 Associative discrimination takes place when a person is treated less favourably because they are linked with or associate with someone who has a particular protected characteristic.
- 9.1.5 Direct Discrimination because of association and perception applies to all the protected characteristics except for marriage and civil partnerships.

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9.2 Indirect Discrimination:

9.2.1 This is where a policy, criterion or practice applies or would apply to everyone but particularly disadvantages or would disadvantage a group who share a particular protected characteristic.

9.2.2 However, indirect discrimination can be justified if it can be shown that the rule, practice or policy is intended to meet a legitimate aim/objective in a fair, balanced and reasonable way. If this can be shown, it will be lawful.

9.2.3 Pregnancy and maternity is not covered but policies and practices that would put pregnant women and new mothers at a disadvantage could constitute unlawful indirect sex discrimination.

9.3 Victimisation:

9.3.1 This occurs when a person is treated less favourably because they have done something in relation to the Equality Act 2010, such as making or supporting a complaint, raising a grievance about discrimination or because it is suspected that they have done or may do these things.

9.3.2 A person is not protected from victimisation if they have maliciously made or supported an untrue complaint.

9.4 Harassment:

9.4.1 This occurs when a person is subjected to unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, where:

- This is related to a protected characteristic.
- This is of a sexual nature (sexual harassment).
- A person is treated less favourably because they have submitted to reassignment (known as 'consequential harassment')

9.4.2 Employees are also protected from harassment because of perception and association.

9.5 Discrimination Arising from Disability:

9.5.1 This is a protection under the Equality Act 2010 and affords disabled people protection from being treated less favourably than other people because of something connected with their disability.

9.5.2 For discrimination arising from disability to occur, a disabled individual must have been treated 'unfavourably'. This means that s/he must be put at a disadvantage.

9.5.3 This type of discrimination is unlawful where the employer or other

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individual acting for the employer knows, or could reasonably be expected to know, that the individual has a disability.

9.5.4 However, this type of discrimination can be justifiable if it can be shown that it is intended to meet a legitimate objective in a fair, balanced and reasonable way, or it is a proportionate means of achieving a legitimate aim. If this can be shown, then the treatment will be lawful.

10. Reasonable Adjustments

10.1 The College encourages employees and learners to disclose their personal needs in order for appropriate support to be put into place.

10.2 The duty to make reasonable adjustments aims to make sure that, as far as is reasonable, an employee or learner has the same access to enable them to carry out their duties or learning, and retain their employment, as a non-disabled person or learner attending college to study.

10.3 A reasonable adjustment may include:

- a) Making adjustments to premises
- b) Re-allocating some or all of an employee's duties
- c) Transferring an employee to a role that values their skill set.
Rearranging a learner's timetabled classes to allow for flexibility so as to not discriminate against staff and learners who require additional time for transition to and from college and between timetabled sessions. Additionally, timetables may need to be rearranged to enable the use of an alternative room if the existing room is not considered to be accessible for a learner or member of staff.
- d) Relocating an employee to a more suitable office
- e) Giving an employee time off work for medical treatment or rehabilitation. Considerations must also be given to learners who need time off to attend medical appointments
- f) Providing training or mentoring for an employee or learner
- g) Supplying or modifying equipment, instruction and training manuals for employees, learners
- h) Any other adjustments that the College considers reasonable and necessary provided such adjustments are within the financial means of the College
- i) Be flexible and treat issues raised by employee, learner with sensitivity and consideration, in relation to:
 - Residential/Educational visits
 - Changing facilities
 - Use of toilets

10.4 If an employee feels that any such adjustment could be made, they should contact Human Resources. Learners are required to declare any personal needs at interview or on application. This will allow the college to consider reasonable adjustment and implement the required support.

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11. Complaints of Discriminatory Behaviour - External

- 11.1 The College's position on discrimination is very clear: it will not tolerate any form of discrimination, harassment or victimisation.
- 11.2 A complaint of discriminatory behaviour may arise from the behaviour of contractors, learners, agency workers, services users and visitors; and may be dealt with using the College's complaints procedure.

12. Complaints of Discriminatory Behaviour – Students

- 12.1 A complaint of discriminatory behaviour arising from the behaviour of a learner(s) would be dealt with under our learner's disciplinary policy – please refer to our Learner Rights and Responsibilities policy.

13. Complaints of Discriminatory Behaviour – Staff

- 13.1 An employee, who is the subject, or witness to, discriminatory behaviour, should raise the matter immediately with their Line Manager who will take immediate action to investigate and resolve the situation under the College Disciplinary policy or Grievance procedures or Code of Conduct policy.

14. Procedure for Bullying and Harassment Complaints

- 14.1 Harassment is unwanted behaviour towards a person and may take many forms, such as telephoning or texting, inappropriate joking or propositioning.
- 14.2 Bullying may well amount to harassment and is generally an inappropriate means of communicating including threatening, making unreasonable demands, or embarrassing or belittling anyone.
- 14.3 The College wishes to promote a sense of dignity between employees or learners and will be supportive of any employee or learner who believes that their treatment by another employee or learner contravenes this policy.
- 14.4 An employee, who is the subject, or witness to, discriminatory behaviour, should raise the matter immediately with their Line Manager who will take immediate action to investigate and resolve the situation under the appropriate College policy.
- 14.5 If it is a learner, who is the subject, or perpetrator of, or witness to, discriminatory behaviour, they should raise the matter immediately with a member of academic or support staff who will take immediate action to investigate and resolve the situation under the appropriate College policy.

15. Monitoring and Review

- 15.1 The College will establish appropriate information and monitoring systems

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to assist the effective implementation of this policy.

- 15.2 The effectiveness of the policy will be reviewed annually and action taken as necessary. Please see appendix 1.

16. Advice and Support on Discrimination

- 16.1 Employees may contact Human Resources or their employee/ trade union representative to access specialist advice, information and guidance germane to their individual circumstances.
- 16.2 Learners may contact a member of the Safeguarding or Wellbeing Teams for advice, information and guidance should the need arise.

17. Relevant Links

- 17.1 Equality and Advisory Support Services Telephone: 0808 800 0082, Address: FREEPOST EQUALITY ADVISORY SUPPORT SERVICE FPN4431, Website: <http://www.equalityadvisoryservice.com>
- 17.2 Citizens Advice Bureau - Citizens Advice, 1 Bridge Buildings, The Strand, BARNSTAPLE, Devon, EX31 1HF, Telephone: 08444 111 444, Website: www.citizensadvice.org.uk
- 17.3 Community Legal Services Direct, Telephone: 0345 345 4 345, Website: <https://www.gov.uk/civil-legal-advice>

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Appendix 1: Our Approach to Equality Monitoring (for Staff)

1. Part 1

1.1. Introduction

As a public body, we are bound by duties that require us to examine the impact of our policies and functions on equality, and to demonstrate how we are promoting equality as an employer and service provider.

The specific duties state that employers monitor their workforce against the nine protected characteristics to ensure that there is no discrimination against any of these groups.

Additionally, we are required to publish the results of this monitoring with an annual progress report.

1.2. Purpose Of This Guidance

This guidance aims to create a comprehensive, coherent and effective monitoring and reporting strategy that will support the College in meeting and exceeding equality and diversity requirements, both now and in the future.

The legal and regulatory requirement to collect and publish equalities monitoring information also supports the idea that we can use such indicators to inform our strategic approach. It can then be used to demonstrate progress and feed into planning activities.

With increasing emphasis on equality, inspection bodies such as OFSTED will be looking for evidence of a provider's compliance with the law and good practice in terms of monitoring the workforce.

1.3. Why Monitoring Is Important

Monitoring is essential in establishing how well we are doing on equality and inclusion, and how the College diversity compares with the community. It also identifies any inequality or discriminatory trends.

Monitoring underpins inspection, self-assessment reviews, impact assessments, action plans, schemes and strategies.

Monitoring information is useful for:

- Examining the make-up of the workforce.
- Tracking recruitment and progression of staff.
- Identifying reasons for the differences.
- Identifying remedial action.
- Reviewing the impact of policies and procedures.
- Setting targets.
- Making a case for Positive Action.
- Supporting evaluation.

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Essentially, monitoring will allow us to identify potential discrimination and provide evidence on whether we are treating our staff fairly.

1.4. How The Information Will Be Processed

All the data will be anonymised and aggregated by CIS.

The information will be recorded and stored by Human Resources.

The Head of People holds responsibility for gathering information on staff at the recruitment stage and whilst they are employed at Petroc. The information will then be used for reporting of information to the Governors, Executive and/or the EDI Committee.

The report will constitute analysis of the data, identification of any inequality trends, proposals and recommendations arising from the information.

All the information resulting from the monitoring will be available and accessible to all staff.

The information will form part of the annual EDI Report to the corporation and community.

1.5. Our Principles For Monitoring The Workforce

The College understands the sensitivities involved in asking people to provide personal information about themselves which may be considered as an intrusion into personal life or irrelevant in terms of doing a job. Reluctance to do so may in part be due to not knowing why the information is being collected, how it will be used, or who will handle it, in addition to many other reservations.

To address any such issues, and to try and capture a maximum response from the workforce, we will adhere to a set of principles:

- we will explain clearly what data/ information we are seeking to collect
- we will explain clearly why we are asking people to provide this information
- we will explain clearly how the information is going to be used
- we will name the personnel who will handle the information

Furthermore, we will balance our legal obligation to monitor the workforce with any concerns about collecting the information in the following ways:

- we will reassure staff that all data/ information will be anonymised
- we will inculcate a culture of openness and honesty, and clear communication of the purpose for which the information is required, as a result, staff will feel confident that the information is being collected for positive reasons and that providing the information will lead to improvements
- personnel handling the information will receive training on the General Data Protection Regulations 2018

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- staff will be given an option not to respond under the 'Prefer not to say' category across all equality strands
- in advance of instigating any staff survey, we will run a college-wide information campaign providing a full raison d'être detailing the importance of disclosure, with examples of case studies where monitoring data has been used to improve the workplace or service delivery
- we will provide updates/results to staff, illustrating how the information is being or will be used to make improvements
- we will consult with external, pan-equality/single equality organisations to ensure that our approach is compliant
- staff will be given the option to contact the Head of People Service to raise any concerns or queries with respect to the monitoring activity

2. Part 2 – The Monitoring Duties

The legal requirements for public authorities, including FE Colleges state that they should not discriminate against different groups of staff and must be able to show that they treat all groups fairly.

This is reflected in the Employment Statutory Code of Practice that requires organisations to provide documented, publicly available evidence that organisations are compliant.

It is a recommendation that the monitoring will normally cover the following areas:

Recruitment:

- sources of applications for employment
- applicants for employment
- those who are successful or unsuccessful in the short-listing process
- those who are successful or unsuccessful at test/assessment stage
- those who are successful or unsuccessful at interview

During employment:

- staff in post
- staff in post by type of job, location and grade
- applicants for training
- staff who receive training
- applicants for promotion and transfer and success rates for each
- time spent at a particular grade/level
- staff who benefit or suffer detriment as a result of performance assessment procedures
- staff involved in grievance procedures
- staff who are the subject of disciplinary procedures

Termination of employment:

- staff who cease employment
- dismissals for gross misconduct
- dismissals for persistent misconduct

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- dismissals for poor performance
- dismissals for sickness
- redundancies
- retirement
- resignation
- termination for other reasons

For further details or information, please contact the EDI Committee at:
edicommittee@petroc.ac.uk.

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