

Northern College for Residential Adult Education Equality and Diversity Policy

1. Equality and Diversity Statement

'The Northern College is committed to ensuring equality of opportunity for everyone who learns, lives and works here. Each of us will actively strive to remove barriers to equality of opportunity and achievement, to combat conditions that place anyone at a disadvantage and help create a community in which we all feel comfortable and valued'

2. Introduction

Putting the College's Equality and Diversity policy into practice is everyone's responsibility. This policy aims to support the strategic objectives of the Single Equality Scheme. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equality of opportunity in employment. The College has a separate Dignity at Work policy, which deals with these issues.

3. The Law

The College recognises that it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Staff should not discriminate against or harass a member of the public in the provision of services. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, the College is committed to continuous monitoring and evaluation in order to address any barriers that may impede disabled people from accessing a service.

4. Types of Unlawful Discrimination

The College recognises that there are different types of unlawful discrimination. The College will avoid all unlawful discrimination both in its employment practice and in the provision of its services.

4.1 Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

4.2 Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

4.3 Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

4.4 Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership or pregnancy and maternity).

4.5 Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

4.6 Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- The College must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

4.7 Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not

protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

4.8 Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

5. Equal Opportunities In Employment

The College will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

The College will endeavour to circulate information about job opportunities as widely as possible in the circumstances to ensure that it reaches all sections of the community. In accordance with the Recruitment and Selection policy, person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

When considering requests for variations to standard working practices, the College will consider any possible indirectly discriminatory effect of these practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. Refusal of such requests will be in accordance with existing policies and will only occur if the College considers it has good reasons, unrelated to any protected characteristic. The College will comply with its obligations in relation to statutory requests for contract variations. The College will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The College will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The College cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the College may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the College identifies as being under-represented in particular types of job.

6. Dignity at work

The College has a separate dignity at work policy concerning issues of bullying and harassment on any grounds, and how complaints of this type will be dealt with.

7. Customers, Suppliers and Other People Not Employed By The College

The College will not discriminate unlawfully against customers using or seeking to use facilities or services provided by the College.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their line manager who will take appropriate action.

8. Training

The College will provide training in Equality and Diversity to all existing and new employees and others engaged to work at the College to help them understand their rights and responsibilities in accordance with both the Equality & Diversity policy and the Dignity at Work policy.

9. Employee Responsibilities

Every employee is required to assist the College to meet its commitment to provide equality of opportunity in relation to the provision of services and employment of individuals and the avoidance of unlawful discrimination. The policies underlying our commitment apply not only whilst employees are working on the College premises, but also at the premises of any customer of the College, work-related social events, and whilst undertaking business related travel.

Employees can be held personally liable as well as, or instead of, the College for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under both the College's Dignity at Work Policy and the Disciplinary Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

10. Grievances

Individuals who believe that they may have been unlawfully discriminated against may use the College's Grievance Procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the Dignity at Work policy.

The College will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the College's Grievance Procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

11. Monitoring and review

This policy will be monitored periodically by the College to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the College will monitor the ethnic and gender composition of the workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its Equality and Diversity policy in accordance with the results shown by the monitoring.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

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Sub Area	Equality & Diversity
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Approved By	Policy and Finance
Document Manager	Personnel Manager
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