

**Equality & Diversity Policy**

**Adopted by Board: September 2018**

**Review Period: 2yr**

**Review Date: June 2020**

**Person responsible for policy: Director of HR**

**Scope of the Policy**

The policy applies to all students, staff, governing body members, contractors, parents, applicants and visitors or users of the college facilities.

Every member of the college community has a responsibility for promoting equality and diversity, tackling discrimination, harassment and victimisation and challenging stereotypes and inappropriate behaviour.

**Our Commitment**

Birkenhead Sixth Form College is committed to ensuring the promotion of equality of opportunity for all its employees and students.

The College aims to create an environment in which:

* All people are able to give and achieve their best
* There is no bullying and harassment, discrimination or victimisation
* All decisions are based on merit
* Creates a positive, inclusive atmosphere, based on mutual respect, respect for people’s differences and the challenging of stereotypes.

Equality of opportunity will be applied across all aspects of service delivery, including admissions, student development, learning support, curriculum development

**Introduction**

We strive to provide equal opportunity in employment and study. The College is opposed to all forms of discrimination, whether direct, perceived, indirect or by association. Any behaviour or activity towards any person on the grounds of age, disability, gender re-assignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (protected characteristics) and socio-economic background, which discriminates, causes harassment or results in victimisation will not be tolerated.

The College will comply with its legal obligations under all current and subsequent equality legislation.

**Key Principles**

Valuing diversity and ensuring equality has benefits which include

* Greater employee satisfaction, which helps attract new staff and retain existing ones
* The enabling staff and students to achieve their full potential
* The provision of a positive working/ learning environment

**Respect**

The College will ensure that everyone working or learning there is treated fairly, with dignity, respect and with tolerance for different cultures, beliefs, values, faiths and for those without faith, respect for the rule of law, individual liberty, democracy and British values and that all individuals are valued.

**Support**

The College will strive to meet all staff and students’ needs and to remove barriers which are within the College’s control, which may prevent staff and students from different groups participating fully in college life and achieving their best outcome.

Staff and students will be given equal access to support in their work or studies and help to succeed.

All reasonable, appropriate adjustments will be made to ensure that people who share protected characteristics are not disadvantaged.

**Inclusion**

In order to make the workforce and student profile more representative of the wider community the College will remove any barriers under its control which may hinder or prevent applications from groups sharing protected characteristics.

Diversity is not only valued by the College, but also celebrated and promoted within the curriculum and tutorial programme in order to widen students’ cultural understanding and prepare them for today’s multicultural/ethnic society.

**Integrity**

The policy requires staff and students to act with integrity at all times . Any inappropriate actions/behaviour will not be tolerated. Failure to comply with the spirit of the policy may result in disciplinary action.

**Equality Legislation**

The Equality Act 2010 provides protection for people from groups which share protected characteristics and prohibits:

* Direct discrimination (including dual discrimination, associative and perceived discrimination)
* Indirect discrimination
* Harassment
* Victimisation

Proportionate action can be taken to address disadvantage or under-representation or meet the needs of those who share protected characteristics.

**Types of unlawful discrimination**

**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.

**Indirect discrimination:** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic, 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.

**Institutional discrimination:** refers to the unjust and discriminatory mistreatment of an individual or group of individuals by society and its institutions as a whole, through unequal selection or bias, intentional or unintentional; as opposed to individuals making a conscious choice to discriminate.

**Associative discrimination:** refers to discrimination based on an individual's association with another person belonging to a relevant protected group. The relevant protected groups are Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation.

**Perceptive discrimination:** refers to discrimination based on a perception that an individual is a member of a relevant protected group

**Discrimination arising from disability:** occurs if a disabled person/group is treated unfavourably because of something connected to their disability which cannot be justified.

The Act describes a disabled person as anyone with a physical , or mental impairment, which has a substantial and long-term, adverse effect upon their ability to carry out normal day-to-day activities.

**Individual discrimination** occurs when an individual makes a decision, based on prejudice, against an individual from another group.

**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.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics 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.

There are three types of harassment which are unlawful under the Act;

* Harassment related to a protected characteristic
* Sexual Harassment
* Less favourable treatment of someone because they submit to or reject sexual harassment or harassment related to sex

A person can complain of behaviour they find offensive even if it is not directed to them, even if they don’t have the relevant protected characteristic themselves. Harassment related to perception and association is also covered

**Failure to make reasonable adjustments** This duty arises whenever any aspect of the employer's working practices or premises puts a disabled employee at a substantial disadvantage, when compared with employees who are not disabled. A failure to comply with the duty to make reasonable adjustments constitutes discrimination under the Equality Act 2010.

**Duty to make reasonable adjustments and our Public Sector Duties**

The duty to make reasonable adjustments is a unique feature of disability discrimination law.

The Equality Act 2010 places a duty on employers to make reasonable adjustments to any provision, criterion or practice that they apply and to physical features of their premises, to accommodate the needs of disabled employees and job applicants.

This duty arises whenever any aspect of the employer’s working practices or premises puts a disabled employee at a substantial disadvantage, when compared with employees who are not disabled.

This legislated duty places a legal requirement on public bodies to have regard, in the exercise of their functions, the need to:

* Eliminate discrimination, harassment, victimisation and any other conduct that is unlawful under the Act.
* Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
* Foster good relations between people who share a relevant protected characteristic and people who do not share it.