



## **Notre Dame Catholic Sixth Form College Equality Policy**

### **1. Introduction**

1.1 As a Catholic Sixth Form College, Notre Dame is built on Christian principles and values. Notre Dame has long been committed to the promotion of equality and diversity at every level of the organisation. From the Corporation to the Student Council, staff and students work to ensure that all associated with the College engage with diverse, multi-cultural Britain in a positive way.

1.2 We celebrate diversity amongst all our students and staff and seek to nurture the gifts of each individual through high quality teaching, learning and assessment, and dedicated pastoral care. Mutual respect is seen as essential in a community where students are encouraged to recognise their responsibilities to self and others, and to the society in which they live.

1.3 The College's Christian environment values and respects the wholeness of the individual, and supports all learners in achieving their full potential.

### **2. Mission Statement**

#### ***"Building a Community on Faith and Trust"***

2.1 Notre Dame Catholic Sixth Form College, inspired by the Christian tradition, holds at the centre of our ethos the dignity and uniqueness of each person. Notre Dame values and welcomes those of other beliefs.

#### **2.2 We aim to:**

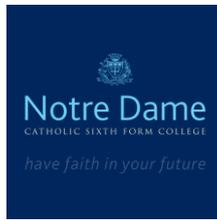
- treat each other with respect
- create an atmosphere of mutual trust in which we develop the confidence to be ourselves
- provide a high quality, meaningful education which encourages the development of the whole person
- provide equality of opportunity
- celebrate the joy and energy of our community
- support everyone, of all abilities, to make positive steps towards achieving their full potential
- promote a caring environment, working together for the benefit of the individual and the wider community
- build a community based on faith and trust, respect for each individual, and full development of each person's potential, as found in the teaching and example of our Lord Jesus Christ

### **3. Aims and purpose of this policy**

3.1 Notre Dame Catholic Sixth Form College is dedicated to ensuring that all members of the College and the wider community are treated equally, fairly, and with respect by the College and by each other. This applies to the College as a place of education, a business, and an employer.

3.2 Prejudice, discrimination, and victimisation are not tolerated, and we work hard to instil in our students a strong understanding of right and wrong, including the importance of inclusion, acceptance, and compassion towards others.

3.3 The College's main priority is to provide the best education and care that we can, and establish a cooperative working relationship between home and College, so as to aid the development, progress, and needs of all the students in our care.



3.4 This plan sets out how the College will satisfy its duties under the Equality Act to eliminate all behaviour prohibited by the Equality Act 2010, to foster good relations between persons with or without protected characteristics and promote equality of opportunity regardless of gender, gender identity, marital or civil partnership status, family responsibility, pregnancy, maternity and paternity, ethnicity, race, colour, nationality, class, HIV status, age, religion or belief, disability, or sexual orientation, unrelated criminal convictions, trade union activity or any other relevant criteria.

3.5 The College aims to comply with this duty, in both the delivery of its services and the employment of its staff. It is created by Notre Dame's governing body in line with the Equality Act 2010 and is the foundation of all the College's other policies – particularly the special educational needs policy, admissions policy, bullying and harassment policy and the code of conduct. All of these policies can be found on the College Moodle site.

3.6 In the event that staff or students are alleged to be in breach of the College Equality and Diversity Policy an investigation will be carried out in accordance with agreed procedures, including where appropriate, disciplinary procedures.

#### **4. Roles and responsibilities**

4.1 Creating a College environment that promotes equality and denounces discrimination is a whole-College responsibility and requires all members of the College community to be actively involved in breaking down barriers to learning and barriers to social and emotional development that prejudice can create.

4.2 Individuals in the College are expected to take responsibility for supporting and promoting equality in College above and beyond the responsibilities listed below. The Vice Principal (Human Resources) has the day-to-day responsibility for coordinating the implementation of this scheme.

#### **4.3 The Governing body**

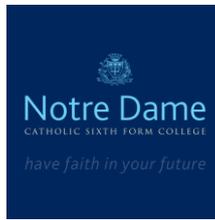
The Governing body will:

- approve this document ensure that the policy is adopted correctly throughout the College
- ensure the College complies with all equality legislation and the College's equality objectives
- monitor and evaluate the effectiveness of the equalities plan on an annual basis and make any amendments to improve on the plan when and where necessary
- regularly report back to the Corporation via the Human Resources Committee
- ensure that parents/carers/carers are informed of any incident related to this scheme which could directly affect their son/daughter
- report to parents/carers, carers, and the wider community on the progress of the College's equality plan through the College website, and the Corporation Annual Report.

#### **4.4 The Principal and Senior Leadership Team Team**

The Principal, with the support of the rest of the Senior Leadership Team Team, will:

- promote the single equalities plan both within the College and externally to the rest of the community
- ensure that all staff are aware of their role and responsibilities regarding the promotion and delivery of equality in College
- report back to the governing body on how the plan is working and any amendments that they feel should be made, as well as feedback from staff, students and parents/carers
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- take appropriate action where discrimination or victimisation occurs.



#### **4.5 Staff**

College staff will:

- ensure that they are up to date and aware of the contents of this plan and the College's policy towards all types of discrimination
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- work to promote anti-bullying strategies as outlined in the College's bullying and harassment policy which can be found on the College Moodle site
- show a commitment to undertake development and training within this area
- engage with the College in eliminating any discrimination and act as a good example to students
- promote a positive working environment
- report back to their managers immediately on any incidents relating to discrimination or victimisation, either by staff, students, or any other member of the College community, so that these incidents can be reviewed and action taken where necessary.

#### **4.6 Students**

Students at the College will:

- engage with the College in eliminating any discrimination
- promote a positive work environment and a positive attitude towards equality when both in College and off the College site
- report to College staff any incidents of inappropriate language or behaviour, discrimination or victimisation that they know to have occurred
- work to promote the anti-bullying strategies outlined in the College's bullying and harassment policy
- set a good example regarding behaviour and social awareness to younger students and their peers.

#### **4.7 Parents/carers and visitors**

Parents/carers, carers, and visitors to the College are expected to:

- familiarise themselves with the College's single equality plan and support the scheme by promoting a positive attitude towards equality at home
- attend any relevant meetings/awareness-raising sessions that they are invited to relating to the College's equality plan
- work with the College to resolve any incident relating to discrimination or victimisation that their child is involved in
- respect and follow our equality when visiting the College.

### **5 Community cohesion**

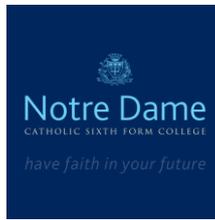
5.1 The College expects all of its students and staff to act respectfully towards members of the wider community that the College is part of.

5.2 The College's Enhancement programme and regular charitable work provide opportunities for the staff and student body to interact with the wider community.

### **6. Inclusion**

6.1 Promoting and practising inclusion in College lessons, around the College site, during all College activities and into the wider community is a key part of developing a positive attitude towards equality and people from different backgrounds.

6.2 More information regarding the provision for and policy on inclusion for SEND can be found in the College's SEND information report on the College website.



## **7. Student Voice**

7.1 Through our support of student voice we encourage our students to have confidence in voicing their opinions and taking responsibility for the world around them. It is important that we teach our students how to engage in mature social interactions and get along with a variety of different types of people.

7.2 This is developed through student voice by interactions between students, students and staff, and students and the wider community. Examples include:

- Tutor reps
- Student council/exec and how they are nominated
- Debate teams
- Curriculum and pastoral (SPOC) surveys
- You say – we did
- Curriculum Focus groups

## **8. Examinations**

8.1 Notre Dame College works as flexibly as possible to accommodate and support all learners when sitting exams and follow the JCQ guidelines to ensure that the process is fair to all candidates.

8.2 Access arrangements are agreed before an assessment. They allow candidates with specific needs, such as special educational needs, disabilities or temporary injuries to access the assessment and show what they know and can do without changing the demands of the assessment. The intention behind an access arrangement is to meet the particular needs of an individual candidate without affecting the integrity of the assessment. Access arrangements are the principal way in which awarding bodies comply with the duty under the Equality Act 2010 to make 'reasonable adjustments'.

8.3 The Equality Act 2010 requires an awarding body to make reasonable adjustments where a candidate, who is disabled, within the meaning of the Equality Act 2010, would be at a substantial disadvantage in comparison to someone who is not disabled.

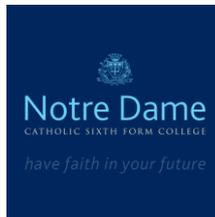
8.4 The awarding body is required to take reasonable steps to overcome that disadvantage. (*JCQ Guidance Adjustments for candidates with access arrangement 2018-2019.*) Further details can also be found in the College Exam Access Arrangement policy.

## **9. Recruitment**

9.1 Notre Dame Catholic Sixth Form College is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, pregnancy and maternity or sexual orientation. Notre Dame Catholic Sixth Form College acknowledges that unfair discrimination can arise on occasion and so will ensure that the equal opportunities policy outlined in this plan is the foundation for all its activities.

9.2 Where a candidate is known personally to a member of the selection panel it will be declared before shortlisting takes place. It may then be necessary to change the selection panel to ensure that there is no conflict of interest and that equal opportunities principles are adhered to.

9.3 More information about our recruitment procedures can be found in the College recruitment policy which can be found on the College Moodle site.



## **10. Equal opportunities for staff**

10.1 As part of our commitment to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment, the College will ensure that:

10.1 All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law;

10.2 staffing of the College reflects the diversity of our community wherever possible;

10.3 as an employer we strive to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce

10.4 we respect the religious beliefs and practice of all staff, students and parents/carers, and comply with reasonable requests relating to religious observance and practice

10.5 we ensure that all staff, including support and administrative staff, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

## **11. Staff discipline and suspension**

11.1 Notre Dame Catholic Sixth Form College is committed to ensuring that all College staff are treated fairly and consistently and this is held to account through our staff discipline, conduct, and grievance policies which can be found on the College Moodle site.

11.2 The education and wellbeing of our students is our main priority. Any member of staff who creates a barrier to learning for our students will be disciplined.

11.3 The College's staff Appraisal policy provides more information on how the College monitors staff performance.

11.4 We hope that staff will feel confident to voice complaints and grievances in the confidential environment of the College and that they will trust the College to deal with their grievances fully, promptly, and fairly.

11.5 The College puts great faith and trust in all its employees, and hopes never to have to discipline anyone as a result of misconduct.

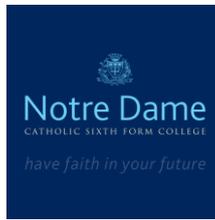
## **12 Monitoring, review and reporting**

12.1 This single equality plan will be reviewed annually by the governing body, unless there is specific reason for it to be reviewed earlier (for example an incident involving members of the College community or new legislation).

12.2 Governors will review how effective it is in tackling discrimination, promoting access and participation, equality and good relationships between different groups, and that it does not disadvantage particular sections of the community.

12.3 Governors will also review evidence that it is being put into practice in College by staff and students, and whether there is any need for extra training or development sessions across the whole College to ensure it is promoted and implemented as much as possible.

12.4 Information will be gathered through:



- identification of students and young people, parents/carers, staff and other users of the College representing the different protected characteristics. This helps us develop and monitor the scheme. Comprehensive and sensitive efforts are made to collect accurate information and meet security of information requirements, in addition to our duty to secure accurate information relating to ethnicity and first language;
- student attainment and progress data relating to different groups;
- students and young peoples' views, actively sought and incorporated in a way that values their contribution;
- information about how different groups access the whole curriculum and how they make choices between subject options;
- exclusions data analysed by group;
- records of bullying and harassment on the grounds of any equality issue;
- data on the recruitment, development, and retention of employees;
- outcomes of activities promoting community engagement and community cohesion;

12.5 The Principal/Senior Leadership Team will provide annual monitoring reports for review by the governing body. These will include:

- progress against targets relating to equality and future plans
- College population
- recruitment and retention
- key initiatives.

### 13 Outcomes

13.1 One of the most important indicators of how successful we are as a College in promoting equality and eliminating discrimination are the outcomes for various individuals and groups. Where robust analysis of outcomes reveals poorer outcomes for any particular groups, an impact assessment will be carried out and an action plan put in place to aid these outcomes.

13.2 Action plans will outline:

- objectives and specific actions to be taken
- expected impact and indicators of achievement (success criteria)
- clear timescales
- who has lead responsibility
- resource implications
- specified dates for review.

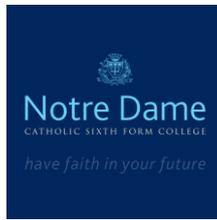
### 14. Authority

14.1 The Policy reflects European and UK legislation, Statutory Codes of Practice and guidelines on best practice, including:

- The Equality Act 2010

The Equality Act replaces the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, much of the Equality Act 2006, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006, and the Equality Act (Sexual Orientation) Regulations 2007 (where applicable, as subsequently amended), plus other ancillary pieces of legislation and all codes of practice.

- The Equal Pay Act 1970 (and 1986)
- The Rehabilitation of Offenders Act 1974



- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disabled Persons (Employment) Acts 1944 & 1958
- The Disability Discrimination Act 1995
- The Disability Rights Commission Act 1999
- The Employment Act 1989/1996
- The Employment Equality (Age) Regulations 2006
- The Employment Equality (Religion or Belief) Regulation 2003
- The Employment Equality (Sexual Orientation) Regulation 2003
- Employment Protection Act 1975
- Employment Rights Act 1996
- Equal Treatment Directive 1976
- Protection from Harassment Act 1997
- The Public Order Act 1986
- The Human Rights Act 1998
- The Race Relations (Amendment) Act 2000
- The Special Educational Needs and Disability Act 2001
- The Kennedy, Tomlinson and Moser Reports
- The MacPherson Report

14.2 As a responsible employer the College will ensure that all staff receive appropriate training on their rights and responsibilities in relation to Equality and Diversity legislation and the College's Equality and Diversity policies and procedures.

14.3 Because of its distinctive religious character Notre Dame College gives preference in its admissions policy to partner schools but it does, as the Mission Statement says, welcome applications from students of all faiths and none. It also welcomes staff from all faiths though there are certain posts, which, because of their nature are open only to Catholic applicants.

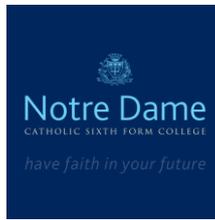
## **15 Equality and Diversity Performance Indicators**

15.1 The College's equality performance will be benchmarked against sector best practice using national data and that of other outstanding colleges.

15.2 The responsibility to collate, report and publish the monitoring of the Equality and Diversity Policy will lie with the Vice Principal (HR).

15.3 Results of monitoring will be used to assess the effectiveness of the Equality and Diversity Policy and to rethink, and set targets in, relevant Development Plans.

15.4 It is the responsibility of all line managers to be aware of the monitoring data available for their area / subject and act on it accordingly.



## **Appendix 1: College Equality and Diversity Definitions**

### **1.1 Equality and Diversity**

Equality and Diversity aims to ensure that no group receives less favourable treatment on the grounds of one's gender, gender identity, marital or civil partnership status, family responsibility, pregnancy, maternity and paternity, ethnicity, race, colour, nationality, class, HIV status, age, religion or belief, disability, or sexual orientation, unrelated criminal convictions, trade union activity or any other irrelevant criteria.

In line with the Equality and Human Rights Commission, Notre Dame Catholic Sixth Form College to

1. eliminate discrimination, harassment, victimisation and other prohibited conduct; to advance equality of opportunity between people who are a relevant protected characteristics and those who do not; and; to foster good relations between people who are a relevant protected characteristics and those who do not.
2. ensure fair treatment; being treated with dignity and respect;
3. ensure staff and students have autonomy, empowerment, and the degree of choice and control

Notre Dame College strives at all times to thread these considerations into all its policies, practices and procedures, enabling all people to have equality of access to the provision of goods, services, facilities, premises and employment. It's more about adapting to individual needs not treating everyone the same. We recognise that we always have to differentiate between individuals in order to fulfil their particular needs and potential.

**1.2 Racism** – All attitudes, procedures and patterns – economic, social and cultural – whose effect, though not necessarily through conscious intention, is to create, maintain and extend the power, influence and privilege of one group of people over another.

**Institutional Racism** -Arising out of the Stephen Lawrence Judicial Inquiry (1997-1999) Lord Macpherson documented the following definition of institutional racism:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin.

It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”

**1.3 Racialism** – An implicit set of negative beliefs about a racial or ethnic group. Can result in offensive or violent behaviour towards members of a racial or ethnic group.

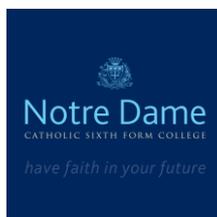
**1.4 Sexism** – All attitudes, procedures and patterns – economic, social and cultural – whose effect, though not necessarily whose conscious intention, is to create, maintain and extend the power, influence and privilege of one group of people over another.

**1.5 Prejudice** – An opinion or feeling about people of a different group, which is, formed beforehand, without informed knowledge, thought or reason and which is likely to be sustained even in the face of evidence to the contrary.

**1.6 Discrimination** - Less favourable treatment of an individual or group, which is not based on their work performance or conduct as a member of staff or student.

**Direct Discrimination** -Direct discrimination under the law means treating a person less favourably on grounds of their colour, race, nationality, ethnic or national origin, sexual orientation, religion or belief, age, gender, or marital status, gender identity, or for reasons relating to a person's disability.

**Discrimination by Association** – where a person is unfairly treated because they are associated with another person who possesses a protected characteristic. For instance, if you accompany your sister who uses a wheelchair to a nightclub and you were both refused admission because disabled people did “not fit with the nightclub’s image”, not only would she have been directly discriminated against, but you would have been discriminated against by association.



**Discrimination by Perception** – one can suffer discrimination because others perceive that person to possess a particular protected characteristic. Thus, where an employee discloses the fact that he is HIV positive and is dismissed for this, then that is unlawful behaviour, even where it emerges that the former employee is misdiagnosed.

**Indirect Discrimination** -occurs when a rule, condition or requirement, which applies equally to everyone, has a disproportionately adverse effect on people from a particular group (i.e. due to race, religion or belief, sexual orientation, age, gender, marital status, gender identity), and there is no objective justification for the rule.

### 1.7 Protected Characteristics -The Equality Act

The Equality Act 2010 consolidates, updates and redefines many types of discrimination enshrined in UK law & regulations as well as European

Directives since the 1970's. There are now Nine Protected Characteristics which are defined in the Equality Act 2010, namely:

**Age** -An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group they share the protected characteristic of age.

**Disability** -This protected characteristic defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. The social rather than the medical model of disability is used in considerations around making a reasonable adjustment.

**Sex** -This section is a new provision, which explains that references in the Act to people having the protected characteristic of gender are to mean being a man or a woman, and that men share this characteristic with other men, and women with other women.

**Gender Reassignment** -The protected characteristic of gender reassignment for the purposes of law is where a person has proposed, started or completed a process to change his or her sex. A transsexual person has the protected characteristic of gender reassignment. A woman making the transition to being a man and a man making the transition to being a woman, both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing his or her sex, and a person who has completed the process.

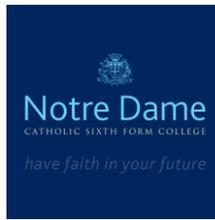
**Race** - People who have or share characteristics of colour\*, nationality or ethnic or national origins, can be described as belonging to a particular racial group. A racial group can be made up of two or more different racial groups.

'Caste' is likely to be extended to the current definition of 'race'. The term 'caste' denotes a hereditary, endogamous (marrying within the group) community associated with a traditional occupation, and ranked accordingly on a perceived scale of ritual purity. It is generally (but not exclusively) associated with South Asia, particularly India. \*Colour includes being black or white.

**Religion or Belief** -This is the protected characteristic of religion or religious or philosophical belief, which is stated to include for this purpose a lack of religion or belief. It is a broad definition in line with the freedom of thought, conscience and religion guaranteed by Article 9 of the European Convention on Human Rights. The main limitation for the purposes of Article 9 is that the religion must have a clear structure and belief system. Denominations or sects within a religion can be considered to be a religion or belief, such as Protestants and Catholics within Christianity. The criteria for determining what is a 'philosophical belief' are that it must be genuinely held; be a belief and not an opinion or viewpoint based on the present state of information available; be a belief as to a weighty and substantial aspect of human life and behaviour; attain a certain level of cogency, seriousness, cohesion and importance; and be worthy of respect in a democratic society, compatible with human dignity and not in conflict with the fundamental rights of others. So, for example, any cult involved in illegal activities would not satisfy these criteria.

**Sexual Orientation** -The protected characteristic of sexual orientation is defined as being a person's sexual orientation towards: people of the same sex as him or her (in other words the person is a gay man or a lesbian), people of the opposite sex from him or her (the person is heterosexual), or people of both sexes (the person is bisexual).

**Marriage and Civil Partnership** – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes marriage between a same-sex couple. This will also be true in Scotland when the relevant legislation comes into force. Same-sex couples can also have



their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

**Pregnancy and Maternity** - a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. Notably, breastfeeding in public is included within this protected characteristic. During these periods, pregnancy and maternity discrimination cannot be treated as sex discrimination.

**1.8 Harassment** – Can be directed at any group or individual, and can include unnecessary touching, unwanted physical contact, leering, personal remarks, verbal or written abuse, visual displays, coercion, isolation or non cooperation. Harassment may be repetitive, or an isolated occurrence against one or more individuals and may be:

- **Physical** - contact, assault or gestures, intimidation, aggressive behaviour
- **Verbal** - In person, by phone, text or email - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any of the above characteristics
- **Non-verbal** - offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion from social activities

Harassment is further defined in section 26 of the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic, which has intimidating, hostile, degrading, humiliating or offensive environment for that individual. Sometimes this is referred to as “environmental harassment. “This definition is limited to anti-discrimination legislation and therefore only applies to harassment on grounds of one or more of the Protected Characteristics. Specific subsections exist within the Equality Act for sexual harassment or situations where an individual is treated less favourably because they reject or submit to unwanted sexual conduct or conduct that is related to gender reassignment or sex.

There are also remedies available in the criminal law for the situations profiled in the three bullet points above and for other forms of harassment. These may be found in the Protection from Harassment Act 1997 and in other criminal statutes dealing with aggravated offences such as incitement on grounds of race or religious hatred.

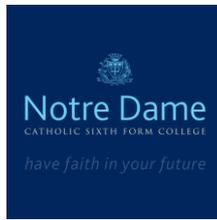
**1.9 Bullying** - Persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

The ACAS Statutory Code of Practice 2009 dealing with bullying and harassment helpfully provides the following guidance: “Bullying or harassment may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face.”

**1.10.1 “Cyber Bullying”** can include the following:

- Unwelcome texts that are threatening or cause discomfort.
- Picture/video-clip bullying via mobile phone.
- Phone call bullying via mobile phone uses silent calls or abusive messages.
- Email bullying uses email to send bullying or threatening messages.
- Sending menacing or upsetting responses in a web-based chat room.

**1.10 Adverse Impact** -Adverse impact is the extent to which a policy, practice or procedure disadvantages one or more of the protected characteristics. In the event of adverse impact, the College will undertake Equality Impact analysis which are designed to identify any adverse impact



and to consider carefully all reasonable, practical and proportionate steps in removing any disadvantages and to proactively assess the risk of any such disadvantages.

**1.11 Ageism** -discriminating against individuals or groups because of their age. It is a set of beliefs, attitudes, norms, and values used to justify age based prejudice, discrimination, and subordination. This may be casual or systematic. It can include prejudicial attitudes towards older people, old age, and the aging process, discriminatory practices against older people; and institutional practices and policies that perpetuate stereotypes about older people. The term has also been used to describe prejudice and discrimination against adolescents and children, including ignoring their ideas because they are too young, or assuming that they should behave in certain ways because of their age.

**1.12 Homophobia** -a range of negative attitudes and feelings towards homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender. It can be expressed as antipathy, contempt, prejudice, aversion or hatred. It may be based on irrational fears and is sometimes related to religious beliefs.

### **1.13 Instructions and Pressure to Discriminate or Harass**

An employer or principal must not instruct, cause or induce a worker employed by them or their agent to discriminate against, harass or victimise another person, or to attempt to do so. Both the person who receives the instruction or is caused or induced to discriminate against, harass or victimise, and the person who is on the receiving end of the discrimination, harassment or victimisation have a claim against the person giving the instructions if they suffer loss or harm as a result of the instructing or causing or inducing of the discrimination, harassment or victimisation. This applies whether or not the instruction is actually carried out. For example, if a manager instructed his/her receptionist not to make appointments for anyone who might need help from an interpreter, this would constitute an instruction to discriminate.

### **1.14 Occupational Requirements (OR)**

In strictly limited situations, each piece of anti-discrimination legislation allows for a job to be restricted to a person of a particular gender/race or ethnic or national origin/disability status/sexual orientation/religion or belief/age if it is proportionate to apply an OR to the job. There is no definitive list of situations where a GOR will exist. The three main areas tend to be around considerations of i) privacy and decency, (ii) authenticity and (iii) specific services needed, e.g. translation, religious or cultural considerations. Example: Requiring a woman to work at a women's refuge.

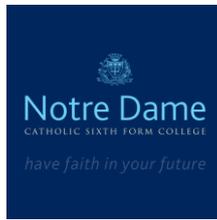
**1.15 Positive Action** -means the steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs. An employer can use positive action where they reasonably think (in other words, on the basis of some evidence) that:

- people who share a protected characteristic suffer a disadvantage connected to that characteristic
- people who share a protected characteristic have needs that are different from the needs of people who do not share it, or
- participation in an activity by people who share a protected characteristic is disproportionately low.

Sometimes the reasons for taking action will overlap. For example, people sharing a protected characteristic may be at a disadvantage and that disadvantage may also give rise to a different need or may be reflected in their low level of participation in particular activities. To deal with the three situations, an employer can take proportionate action to:

- enable or encourage people to overcome or minimise disadvantage
- meet different needs, or
- enable or encourage participation.

In recruitment, equality law allows positive action before or at the application stage. At this stage, the steps could include encouraging particular groups to apply, or helping people with particular protected



characteristics to perform to the best of their ability (for example, by giving them training or support not available to other applicants). An example of when an employer might decide to take positive action is if they find that the makeup of their workforce is different from the make up of their local population, so they decide to encourage people who share particular under-represented protected characteristics to apply for vacancies. This is not the same as 'positive discrimination' or 'affirmative action' which equality law does not allow.

**1.16 Reasonable Adjustments** - Section 20 of the Equality Act 2010 now imposes a duty upon employers, public authorities and service providers (amongst others) to make reasonable adjustments for disabled people. The duty encompasses three aspects:

1. Provisions, criteria or practices -including corporate policies
2. Physical features, such as the layout of and access to shops
3. Provision of auxiliary aids -including providing information in an accessible format such as Braille, large print or email. For example, when a bank sends statements to its customers, it is providing information. Reasonable adjustments for blind or partially customers could include providing statements in accessible formats such as large print or Braille.

**1.17 Vicarious Liability** -Employers can be held vicariously liable for discriminatory acts by employees even if the event is held off site and out of normal working hours. The claim most likely to arise is probably sexual harassment, but employers should be aware that, under the Equality Act 2010, protection from harassment also extends to unwanted conduct on the grounds of age, disability, gender reassignment, race, religion or belief, and sexual orientation. The employer will have a defence to a claim of discrimination and/or harassment if it can show that it took all reasonable steps to prevent the employee from performing the act. Ensuring that employees are aware of the policy on equality and diversity together with all related policies and protocols is a key first step to establishing this defence.

**1.18 Victimisation** -occurs where an individual is detrimentally treated because they engage or believe that the individual has or may engage in a protected act, as defined in section 27 of the Equality Act 2010 These protected acts are:

- Making a claim or complaint of discrimination (under the Equality Act 2010).
- Helping someone else to make a claim by giving evidence or information. -Making an allegation that you or someone else has breached the Equality Act 2010.
- Doing anything else in connection with the Equality Act 2010.

## **2. Implementing the Policy with Equality Impact Assessments**

An Equality Impact Assessment is a way of finding out if our services and employment opportunities are accessible for our communities and employees. They help us ensure that our policies/initiatives, practices, services and employment practices do not discriminate in any way. An EIA is about being proactive; it looks forward to see that students and employees can access our services, instead of reacting to any complaints or concerns about service delivery/employment practices.

Responsibility for completing an impact assessment lies at service level.

Service managers and frontline staff are vital to the assessment process. They will be responsible for conducting the initial impact assessment and any changes/controls needed if the impact assessment identifies the policy or practice as having a potentially discriminatory impact. There is further provision to escalate any issue requiring more detailed consideration and/or consultation.

Full training and on-going support will be provided to all managers and staff undertaking EIAs.

## **3. Equality Contacts**

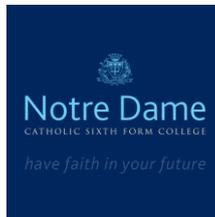
The Commission for Equality and Human Rights – CEHR 0845 604 6610 England main number 0845 604 6620 -England text phone 0845 604 6630 -

England fax <http://www.equalityhumanrights.com>

EDUK: <http://www.equalityanddiversity.co.uk/>

ACAS <http://www.acas.org.uk/index.aspx?articleid=1461>

SHAP



Produce calendar of all religious groups and various protocols attending on these.

<http://www.shapworkingparty.org.uk/>

Equality and Diversity Forum Monthly free e mail newsletter and huge resource of information at a regional, national and international level across all the diversity strands

<http://www.edf.org.uk/index.php>

Workplace Law Fantastic daily e-mail newsletter on emerging discrimination issues in the workplace, new cases and briefings. <http://www.workplacelaw.net/>

Employers Forum on Disability <http://www.efd.org.uk/>

Age Positive <http://www.agepositive.gov.uk/>

Employers Forum on Religion and Belief <http://www.efbelief.org.uk/> Stonewall – Campaign Group for the Lesbian, Gay and Bisexual Community <http://www.stonewall.org.uk/>

Beaumont Trust – Registered Charity working for Transgender

Equality <http://www.beaumonttrust.org.uk/>

Gender Trust – Registered Charity working for those with gender identity issues

<http://www.gendertrust.org.uk/>

Fawcett Society – Working to eliminate discrimination between women and men

<http://www.fawcettsociety.org.uk/>

HM Government Office for Equalities – Secretary of State <http://www.equalities.gov.uk/>

'All faiths and none': working for interfaith dialogue and mutual tolerance & against discrimination in educational and community settings - [www.afan.uk.net](http://www.afan.uk.net)

National Council of faiths & belief in FE - [www.fbfe.org.uk](http://www.fbfe.org.uk) <http://www.gires.org.uk/>

Inclusion of any organisation on this list does not imply that the College is any way affiliated to that organisation and whilst we obviously agree with the support and help they can give you, any individual expressions of personal opinion expressed on such websites are not necessarily shared by or should be taken as the policy of the College.