

# BHASVIC

## EQUALITY, DIVERSITY AND INCLUSIVITY POLICY

**Last Updated:**                      **NOVEMBER 2017**

**Review Date:**                      **NOVEMBER 2020**



## **EQUALITY, DIVERSITY AND INCLUSION POLICY including the SINGLE EQUALITY SCHEME**

### **1. POLICY STATEMENT**

1.1 The college is committed to ensuring that all actual or potential members of the college<sup>1</sup> are treated equally, regardless of: age; disability; family responsibility; marital status; race; colour; ethnicity; nationality; religion or belief; gender including gender re-assignment; sexual orientation; trade union activity; unrelated criminal convictions; other relevant criteria.

1.2 The college has a statutory duty as a public sector provider to have due regard to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.3 To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) requires publication of:

- equality objectives, at least every four years
- information to demonstrate their compliance with the public sector equality duty

### **2. POLICY SCOPE**

2.1 The purpose of this policy is to establish clear college guidance regarding equality and to establish policy aims, key actions and monitoring arrangements for the college. This policy applies to all actual or potential members of the college plus visitors to the college.

2.2 The Equality, Diversity and Inclusion Policy (EDI Policy) should be read in conjunction with the college's Single Equality Scheme, below; and Safeguarding Policy which outline how the college will develop, implement, monitor and review its work towards achieving equality respectively for people who have one or more of the nine protected characteristics as defined in the Equality Act 2010 in respect of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

### **3. POLICY AIMS**

3.1 The college aims to create and sustain an inclusive work and learning environment which provides equality of opportunity for everyone and the chance to celebrate diversity

3.2 The college will seek to challenge inequality, prejudice and discrimination<sup>2</sup>

3.3 The college embraces diversity in all its aspects, and aims to reflect the composition of the community it serves.

3.4 The college will treat all its members with respect and dignity, and seek to provide an environment free from harassment, discrimination and victimisation. The college will not tolerate any form of discriminatory behaviour against its members, either from other members, or from members of the public.

3.5 In seeking to reflect the composition of the community, the college will ensure that no member of the college or applicant will be disadvantaged, or treated less favourably. Reasonable adjustments will be made to arrangements and premises to ensure access for disabled members of the college or potential members of the college.

3.6 In order to ensure that all members of the college and potential members of the college are treated with equality and fairness at all stages, and that their treatment is based solely on objective criteria, the college will ensure that equality issues are embedded into all its policies and procedures.

3.7 The college will publish and analyse performance data, linked to protected characteristics, for example via EDIMS and the annual Self Assessment Review and Action Planning cycle, in order to seek to reduce gaps in attainment and minimise disadvantage in all areas of the college.

## 4. MAKING THE POLICY WORK

### 4.1 Managers

4.1.1 The Corporation designates the Principal as having overall responsibility for Equality, Diversity and Inclusion issues. 4.1.2 The college will appoint an Equality, Diversity and Inclusion (EDI) Coordinator who will be line managed by the Student Services Manager. The EDI Coordinator will be a member of the Safeguarding Committee and invited to contribute agenda items to other relevant cross-college committees as appropriate eg. Premises Team; ICT strategy committee

4.1.3 Managers are responsible for the implementation of this policy, procedures and guidelines with their staff; and visitors to the college. The college is responsible for providing managers with the necessary resources and training. It falls, in particular, on college managers to set the standards and do all they can to ensure that all members of the college and potential members of the college are treated fairly, encouraged to disclose individual needs and are given the support and respect they need to do their jobs and learn. They should:

- Ensure that members of staff are aware of this policy and single equality scheme and that it is referred to when appropriate, in discussions during the induction process and at probation and PDR reviews and at other relevant meetings
- Implement the policy and single equality scheme within their areas of responsibility and provide appropriate awareness and direction on the key issues
- Always seek advice and guidance from the EDI Coordinator or the relevant member of the Senior Management Team when in any doubt about the implementation of the policy or single equality scheme
- Ensure that all members of staff are aware of the advice and support available via the EDI Coordinator and related services such as Study Support and Student Services (for students) and HR support and counselling service (for staff) (contact details available on BHASVLE and the Staff Intranet).

4.1.4 The Assistant Principals (Student Services) and (Resources) will ensure that the Equality, Diversity and Inclusion Self Assessment Report and Action Plan is prepared annually, together with the results of EDIMS monitoring, and these are presented annually to JUMCOG, the Human Resources Committee and Quality and Curriculum Committee. The relevant chairs will ensure that these reports are brought to the attention of the Corporation.

4.1.5 Infringements of the EDI Policy and complaints relating to Equality, Diversity and Inclusion will be dealt with via the Grievance and Disciplinary Policy and procedures and the Dignity at Work Policy and procedures [staff] and Student Behaviour Policy and Complaints Policy and procedures [students and parents/carers]

### 4.2 All Staff

4.2.1 All members of staff need to help create a climate of inclusivity which embraces diversity and challenges inequality, prejudice and discrimination.

4.2.2 All members of staff should have an awareness of the EDI Policy, and the college's Single Equality Scheme.

## 5. Monitoring and Review of Policy and Scheme

5.1 The college undertakes to conduct comprehensive and effective monitoring of all aspects of staffing and the student body in relation to Equality, Diversity and Inclusion.

5.2 After an employment relationship has ended, the college may retain statistics, data about the composition of the workforce, including appraisal and promotion records on an anonymous basis for the purpose of carrying out equality and diversity monitoring, and will also look at reasons for resignation and resignation rates.

5.3 Monitoring and data protection will be undertaken in accordance with best practice recommendations, particularly from the Equality and Human Rights Commission (EHRC) GDPR (General Data Protection Regulations) and Data Protection Act.

5.4 The college undertakes to follow positive action measures allowed by law to rectify disadvantages in employment and other imbalances in college membership revealed by monitoring. Notwithstanding this, the college is committed in regard to its staff and Corporation membership, to appointing the best applicant in every case, irrespective of any characteristic falling within the terms of this policy or single equality scheme.

Positive action, allows the college to:

- provide facilities or services
- meet the special needs of people from particular under-represented groups
- encourage applications from groups that are under-represented in particular areas of work or the curriculum
- in the case of staff, to target job training at particular groups that are under-represented in a particular area of work.

5.5 Positive action strategies are intended to be temporary measures only. They must be kept under regular review, and they cannot be used once the special needs have been met, or if underrepresentation no longer exists. The college will ensure that when using positive action as a strategy, it falls within the law. 'Positive action' will not be taken without first consulting the Chair of the college's Human Resources Committee.

5.6 The Assistant Principal (Student Services) and the college's EDI Coordinator will advise on matters related to Equality, Diversity and Inclusion and will intervene where necessary to ensure the Policy is followed.

*1 'Members of the college', 'membership', or 'members' means governors, staff and students*

*2 The term 'discrimination' is used in this document to mean less favourable treatment of an individual on any of the grounds listed in Section 1.1. Discrimination includes direct and indirect discrimination, perception discrimination and discrimination by association. See Appendix One of the Single Equality Scheme for more information.*

## BHASVIC Single Equality Scheme 2017– 2020

This single scheme covers all protected equality characteristics, extending to age, religion or belief and, where appropriate, financial hardship. As an education provider, BHASVIC has a legal requirement to promote equality of opportunity and avoid discrimination in relation to:

- Age
- Race
- Gender
- Disability
- Sexual orientation and gender reassignment
- Faith or belief
- Pregnancy and maternity
- Being married or in a civil partnership

In addition, BHASVIC undertakes to promote equality of opportunity and avoid discrimination in relation to:

- Social or economic deprivation

Our single scheme is based on previous, separate schemes for disability, race and gender. We will be reviewing the priorities in the Single Equality Scheme with the help of users and stakeholders. BHASVIC's Single Equality Scheme is

central to our college mission and strategic plan, and should be read in conjunction with our EDI policy above, and annual EDI SARAP and EDIMS reports.

This document will be of interest to BHASVIC staff, stakeholders and others with a wider interest in BHASVIC's role as an education provider. This document outlines the college's objectives and the ways in which BHASVIC intends to deliver them. It should be read in conjunction with the annual EDI SARAP and EDIMS report.

## 1. BHASVIC – An Introduction

Brighton Hove & Sussex Sixth Form College, BHASVIC, is a state funded college for 16 – 19 year olds. The college attracts a large number of applicants from outside Brighton and Hove, with approximately 40% of students travelling from areas in West and East Sussex. Approximately 70% of BHASVIC's 2700 students go on to a degree course or a specialist course (such as an Art Foundation pre-degree course) at a college of higher or further education.

## 2. Mission / Vision / Values

BHASVIC's mission is to transform lives through learning. Its vision is to be a Contemporary Creative Learning Community. The core values of the college are:

- Learning, because we believe this is always possible;
- Respect and Inclusivity, celebrating that BHASVIC is a safe and diverse place to be;
- Collaboration, working for our common good

## 3. Strategic Aims

Our work to promote equality and human rights, and to tackle inequalities is integrated into our strategic planning to ensure that staff, students and the wider college community understand their responsibilities. We aim to be:

- an inclusive and accepting college where every individual feels part of a community and where we play an active role in our local community to help raise standards and aspirations
- an efficient, fair and intelligently managed organisation
- a college where staff and students are supported, valued and developed in a safe environment, knowing their own wellbeing is key to our success
- a college which allows all students to achieve above and beyond what they think is possible
- an enabling curriculum, providing a broad and balanced, all-round education

We want to achieve:

- Commitment
  - i) To recognise and celebrate success in all forms regardless of grade predictions, outcomes or choice of destination
  - ii) To raise aspirations, widen participation and ensure students can progress to their chosen destination
  - iii) To work with students as co-creators of their own learning - ensuring that it is accessible, supportive, and representative of all, whilst helping to diminish differences in achievement where barriers are evident
- Curriculum
  - i) To fully implement a linear curriculum and provide a subject and qualification offer that matches our applicants' needs
  - ii) To continue to ensure that tutorial pathways provide the best support for progression
  - iii) To ensure that we continue to offer a breadth of courses
  - iv) To recognise the importance of quality student guidance and study support
  - v) Prepare our students for lifelong learning by using (amongst other things) the college's 6Rs Initiative (Reflective, Resilient, Resourceful, Respectful, Responsible, Risk-takers)
- Culture
  - i) To develop and refine our quality systems, processes and documentation to reflect a 'High Challenge, Low Threat' culture

- ii) To provide appropriate training, development and support to staff
- iii) To continue to discuss and reflect on what constitutes a sustainable and appropriate workload
- iv) Actively support the personal development and wellbeing of staff and students
- Contemporary
  - i) To re-brand and update our physical, published and virtual environment
  - ii) To work towards completing a major new build as part of our accommodation strategy
  - iii) To invest in our ILT infrastructure and resources
- Creative
  - i) Cultivating a creative, reflective and developmental approach for staff and students
- Community
  - i) Treat all members of the College with equality and fairness, maintaining our excellent safety, safeguarding and wellbeing support
  - ii) Extending enrichment, volunteering and employer engagement opportunities for our students
- Control
  - i) Recruit and retain a high quality workforce

#### 4. The Equality Act 2010

4.1 The Equality Act 2010 rationalises and builds upon existing equality legislation which provides for a number of general duties. To:

- eliminate unlawful discrimination and harassment
- promote equality of opportunity
- promote good relations between people of different racial groups, men and women, people with and without a disability
- promote positive attitudes towards disabled people even where this may involve treating disabled people more favourably.

4.2 The Equality Act 2010 also introduces the Single Equality Scheme which requires BHASVIC to:

- set equality objectives in relation to the nine protected groups (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Gender, Sexual Orientation)
- demonstrate how equality has been considered in college planning, procedures, practices and policy making
- use procurement procedures to promote equality
- produce and publish an annual Self Assessment Report and Action Plan outlining BHASVIC's aspirations regarding equality, diversity and inclusion
- ensure equality, diversity and inclusion is at the heart of college life and the core of how BHASVIC thinks and behaves.

#### 5. Scoping the Single Equality Scheme

5.1 In drawing up the scheme, BHASVIC has taken account of other public bodies such as the EFSA and Ofsted as well as learners, staff and parents/carers. The following college groups have been consulted: College Management Team (CMT), Curriculum and Quality Team (CQT), Senior Management Team (SMT), BHASVIC Inclusivity Group (BIG). The scheme has been shaped and is underpinned by the established principles contained in the college's Mission, Vision and Values.

#### 6. Delivering, Monitoring, Reviewing and Reporting on the Single Equality Scheme

6.1 Delivering, monitoring, reviewing and reporting on the scheme follow exactly the same procedures as outlined in the main EDI policy, above. (Please refer to sections 4 and 5 of the EDI Policy: Making the Policy Work and Monitoring and Review)

#### 7. Equality Impact Assessment

7.1 Staff and students are invited to review college practices, policies and procedures from equality, diversity and inclusion perspectives through the BHASVIC Inclusivity Team (BIG). The Inclusivity Team meets once every term to review BHASVIC's policies and equality, diversity and inclusion issues arising from curriculum areas. Parents/carers

are invited to share any comments on discrimination issues e.g. harassment / bullying via the Parent/Carers page on the college website.

7.2 Equality reviews of college policies have been undertaken through structured equality impact assessments. More recently wider reaching equality reviews have been initiated by policy and procedure originators for example the Child Protection and Safeguarding Policy.

## 8. Communication

- The scheme and the college's EDI policy will be communicated in the following ways:

8.1 To the public (including learners, work placement providers and staff):

- Our commitment to the scheme will be highlighted in our prospectus, on our website and annual Self Assessment Report
- A summary of the results of our monitoring information will be included in our annual self assessment report where this does not breach individual confidentiality.

8.2 To learners:

- All learners will have access to the EDI policy and Single Equality Scheme via the college's website. The induction programme for learners will highlight the college's commitment to Equality, Diversity and Inclusivity; the action to be taken by learners who suffer discrimination and the action to be taken against such perpetrators of discrimination
- Tutors will reinforce this information during one-to-one tutorials, and as part of the ongoing tutorial programme.

8.3 To work experience providers:

- All work placement providers will have access to the college's EDI policy and Single Equality Scheme via the college's website and will signify their understanding of, and agreement to, these responsibilities as part of the work experience placement process

8.4 To staff: All will staff have access to the EDI policy and Single Equality Scheme via the college's website and as part of the Staff Intranet.

## 9. Equality Objectives and Actions

9.1 **Equality Objective 1** - Create, sustain and celebrate an inclusive and diverse work and learning environment which advances equality of opportunity for everyone.

9.1.1 Currently we are:

- ensuring EDI training is comprehensive and effective and the college community understands the part they play in advancing equality of opportunity
- the college celebrates diversity through marketing activities such as the prospectus, website and college events

9.1.2 In the next 3 years we will:

- undertake more work with staff to promote EDI objectives as part of the Leaders in Diversity Action Plan
- undertake more work with students regarding college EDI objectives, seeking participation in these processes from representatives of EDI-related student-led groups, for example: the LGBTU+ Society, Feminist Society, Christian Union, Muslim Voice.

9.2 **Equality Objective 2** - Seek to challenge inequality, prejudice and discrimination

9.2.1 Currently we have:

- policies relating to Complaints, Bullying and Harassment (as part of the Student Behaviour Policy) and Dignity at Work
- full evaluation of the achievement and standards of all learners, leading, where necessary, to action planning and improvements
- challenging targets set for students with regard to prior achievement and data is used to monitor and plan effective interventions for different groups of learners.

9.2.2 Equality and Diversity Implementation measures (EDIMS) are reported on at the college's Human Resources and Quality and Curriculum Governors' committee meetings.

9.2.3 In the next 3 years we will: analyse data relating to the performance of students from particular ethnic minority and vulnerable learner groups more effectively as part of department self-assessments, including Study Support, Guidance and Student Services.

**9.3 Equality Objective 3** - Treat all members with respect and dignity, and seek to provide an environment free from harassment, discrimination and victimisation, including by association and perception. The college will not tolerate any form of discriminatory behaviour against its members, either from other members, or from members of the public.

9.3.1 Currently: the tutorial programme encourages discussion of a range of equality, diversity and inclusion issues and celebrates key events such as Black History month or raises awareness of others such as Holocaust memorial day. This is also important to meet our statutory requirements to provide students with an understanding of Fundamental British Values.

9.3.2 In the next 3 years we will: develop the work of BHASVIC Inclusivity Group (BIG) to inform college policy and practice and implement key findings from the Leaders in Diversity surveys; including investigating online forums and other means of sharing concerns or best practice amongst staff and students

**9.4 Equality Objective 4** - No member of the college, visitor or applicant will be disadvantaged, or treated less favourably. Reasonable adjustments will be made to arrangements and premises to ensure access for a diverse range of people.

9.4.1 Currently: the restricted access problem of our current accommodation is being managed and reasonable adjustments made.

9.4.2 In the next 3 years we will: ensure EDI and other access issues are continually factored into the accommodation masterplan and IT strategy.

## 10. Related Policy Documents

- Absence Management Policy and Procedures
- Complaints Procedure
- Data Protection Policy
- Dignity at Work Policy
- Disciplinary (Misconduct and Capability) Policy and Procedures
  - Flexible Working Policy
- Equalities Act 2010
- Grievance Policy
- Instrument and articles of government
  - PDR Policy
  - Procedures for staff to request a change to their Contract or unpaid leave of absence
- Safeguarding Policy
- Staff Code of Conduct
- Student Behaviour Policy
- Whistle Blowing Policy
- Student Financial Support Policy





## **Appendix One**

### **Types of Discrimination: Definitions**

#### **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 perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

#### **Discrimination by association**

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. See Annex 1 for an example of discrimination by association.

#### **Perception 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. See Annex 1 for an example of perception discrimination.

#### **Indirect discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership; now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company 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 business, 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 business or 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. Annex 1 contains an example of indirect discrimination.

#### **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**

Already applies to sex; now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. 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. See Annex 1 for an example of third party harassment.

#### **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. See Annex 1 for an example of victimisation.

## Appendix Two

### The Protected Characteristics: Key Points

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

#### Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

#### Disability

The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have 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, which would include things like using a telephone, reading a book or using public transport.

As before, the Act puts a duty on you as an employer to make reasonable adjustments for your staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

#### Gender reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

#### Marriage and civil partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

#### 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. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. See Annex 1 for an example. You must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

#### Race

For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.

#### Religion or belief

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief.

Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

**Sex**

Both men and women are protected under the Act.

**Sexual orientation**

The Act protects bisexual, gay, heterosexual and lesbian people