

BHASVIC

EQUALITY, DIVERSITY AND INCLUSIVITY POLICY

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EQUALITY, DIVERSITY AND INCLUSIVITY 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 college¹ are treated equally, regardless of: age; disability; family responsibility; marital and civil partnership status; race; colour; ethnic origin; nationality; national origin; religion or belief; sex, 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 Inclusivity 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 discrimination²

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

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. Discrimination includes direct and indirect discrimination, perception discrimination and discrimination by association.*

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 has an Equality, Diversity and Inclusion (EDI) Coordinator who is line managed by the Student Services Manager. The EDI Coordinator is a member of the Safeguarding Committee and invited to contribute agenda items to other relevant cross-college committees as appropriate e.g. Premises Team; ITCT 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 Additional Learning 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 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 Policies and Procedures, and the Bullying and Harassment 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 2021 – 2024:

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
- Sex
- Disability
- Sexual orientation
- Gender reassignment
- Religion or belief
- Pregnancy and maternity
- Marriage or civil partnership

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

- Social or economic deprivation
- Gender Identity: BHASVIC supports gender identity as the way a person self-defines their gender. This may match the sex assigned at birth (i.e. man – male, woman – female) or not. We are committed to prevention of transphobia and discrimination towards people identifying as, trans, non-binary or gender questioning.

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 students from over 60 different schools, with 50% of students coming from Brighton and Hove. Approximately 70% of BHASVIC's 3187 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, to promote a culture of learning that allows all students to achieve above and beyond what they think is possible, and where staff and students are supported, valued and developed as individuals in a safe environment, knowing that their wellbeing is key to our success. 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

NB: The strategic aims outlined below reflect objectives set in the Strategic Plan for 2017-2020, formed around the 7 C's. This was updated with a 2020-21 one-year Strategic Plan ('From Crisis to Control') as an addendum, in recognition

of the extraordinary circumstances surrounding COVID-19 and the need to focus on interim change management until we can return to business as usual. The 2020-21; 'From Crisis to Control' strategic plan can be located on the college website, in the section labelled; 'The College'.

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:

- To achieve outstanding levels of performance based on a culture of learning that allows all students to achieve above and beyond what they think is possible.
- To provide a broad and balanced all-round education, enabling students to develop as independent, confident and well-informed young adults capable of contributing to and questioning the world around them, regardless of the mix of subjects and qualifications they study
- To cultivate a 'High Challenge and Low Threat' culture where we strive for the highest possible standards, where staff and students are supported, valued and developed as individuals in a safe environment, knowing that their own well-being is key to our success.
- To provide a stimulating educational and social environment, with attractive, modern facilities and resources including excellent ILT provision.
- To encourage creative, innovative, collaborative and reflective approaches to all that we do.
- 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
- To be an efficient, fair and intelligently managed organisation that achieves value for money and functions on a sound business basis with robust financial management.

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, Sex, 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: Senior Management Team (SMT), Curriculum and Quality Team (CQT), BHASVIC Inclusivity Group (BIG), JUMCOG (Joint Union and Management Consultation Group). 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 (as outlined in the Bullying and Harassment policy) by contacting a student's tutor or by contacting the college via the website.

7.2 Equality reviews of college policies are being undertaken through structured equality impact assessments. Wider reaching equality reviews have been initiated by policy and procedure originators for example, the Child Protection and Safeguarding Policy and SEND 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 staff will 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. Training is supported by our membership of the local council's Equality and Anti-Bullying Service, and by collaboration with local organisations such as; the Young Carers Project, University of Sussex, Allsorts LGBTQ+ youth project, YMCA WiSE, Brighton & Hove Citizens and The Hummingbird Project.
- the college celebrates diversity through marketing activities such as the prospectus, website and college events.
- working with students regarding college EDI objectives, in conjunction with SU EDI Officers, and seeking participation in these processes from representatives of EDI-related student-led groups, for example: the LGBTQ+ Society, Feminist Society, ACS (African Caribbean Society), BAME student leaders group (citizens UK).

9.1.2 In the next 3 years we will:

- undertake more work with staff and students to promote and embed EDI objectives for example; develop actions via collaborative working groups (such as; anti-racism) and student focus groups, in partnership with external organisations where relevant.
- make student outcomes data more accessible; with development of a central database, that will provide both opportunity for reflective annual evaluation with identification of trends in particular groups, and live data that can be utilised by staff to implement more timely interventions with students. Development of database with IT to be informed by a cross college working group as part of Digital Strategy objectives. This includes broadening the scope of existing Equality and Diversity Implementation Measures (EDIMS) with the aim of analysing student outcomes by all of the four protected groups of; Ethnicity, Gender, Disability, Disadvantage, in relation to:
 - who applies
 - who enrolls
 - how they achieve
 - how they progress.

Also to work with HR to compare staff diversity data and student diversity data, and identify any actions.

- work in partnership with organisations, including city of Sanctuary, and Citizens UK, to develop opportunities such as; leadership programmes for students of marginalised groups and projects that facilitate inclusion, challenge discrimination and celebrate diversity. Aim to achieve College of Sanctuary status, in providing an inclusive and welcoming environment for students of asylum-seeking status.

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 Student Code of Conduct, and Staff Bullying and Harassment Policy and Procedures.
- 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 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. National SAWFE (Safe and Well FE College) surveys (every 2 years) provide feedback data relating to areas including; wellbeing and bullying and are reported and utilised to inform EDI actions.

9.2.3 In the next 3 years we will:

- work collaboratively to analyse data, and implement relevant actions relating to improving outcomes for students, particularly from ethnic minority and vulnerable learner groups, as part of department self-assessments, including Additional Learning Support, Guidance and Student Services.
- generate further opportunities for ongoing dialogue with students about challenging inequality prejudice and discrimination including; focus groups, collaborative staff and student working groups, internal student surveys and continued engagement with the Student Union BHASVIC Forum.
- raise awareness of support for challenging prejudice, continuing to implement key findings from surveys; including investigating online forums. Implement the development of online student systems for reporting bullying, increase collaboration with the local Prevention Youth Officers and PREVENT teams.

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 and college wide panel discussions, encourage discussion of a range of equality,

diversity and inclusion issues and celebrate key events such as; Black History Month, LGBTQ+ Pride, Disability History and Young Carers' Awareness days. This is also important to meet our statutory requirements to provide students with an understanding of Fundamental British Values.

- the BHASVIC Inclusivity Group (BIG) meets termly, with participation from staff and student representatives, and provides a platform for raising any issues related to EDI, and sharing of ideas that can inform college policy and practice.
- the key findings from the Leaders in Diversity surveys; related to investigating other means of sharing concerns or best practice amongst staff and students have been addressed in part by development of collaborative staff and student forums. These include; the BHASVIC Forum, BIG meetings SU EDI Officer and EDI Coordinator meetings, SU meetings, increased use of digital discussion groups on TEAMS (as a result of the Covid-19 pandemic), voluntary student ambassadors; e.g. for young carers and with YMCA WiSE (for healthy relationships), and participation in NHS and Brighton & Hove Citizens UK campaigns.

9.3.2 In the next 3 years we will:

- continue to develop cross college EDI education, events and student lead campaigns, via; tutorial, social media, BHASVIC TV, panel discussions, the Citizens UK 'BAME' Leadership Programme, conferences, and creative projects linked to departments such as Drama.
- develop staff/ student working groups to help implement EDI actions arising from campaigns, student leadership programmes, surveys and EDI/ EDIMS reporting.
- establish user-friendly systems for auditing policies and procedures, that helps all to embed best practice, in seeking an environment free from discrimination. For example; we will engage support via our membership of the local Equality and Anti Bullying Service, to assist with developing our use of Equality Impact Assessments (EIA's) and potential 'Equality Walks', to continue to audit policies and procedures. We will develop staff/ student working groups; such as a Trans Awareness Group to utilise the 'Trans Inclusion Schools Toolkit'.
- encourage more use of digital feedback forms and surveys following EDI training education and events to measure impact in relation to EDI objectives.

9.4 Equality Objective 4 - No member of the college, visitor or applicant will be disadvantaged, or treated less favorably. 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 (for example; College House) is being managed and reasonable adjustments made.
- EDI and other access issues have been successfully realised, in the new Elms Building as part of the accommodation masterplan and IT strategy.
- reasonable adjustments and access arrangements are made in advance of events such as parent/carer evenings, open evenings and meetings, for all as required, with assistance from external organisations such as; translators and sign language interpreters.

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.
- share information from staff training in Digital Accessibility, via INSET, in conjunction with the ALS department, and Digital Strategy Lead, to help make digital documents and resources more accessible for all; such as in; marketing, website, newsletter, curriculum and policy information.
- work collaboratively across departments (with lead from the ALS Department, EDI Coordinator and SU Officers) to raise awareness of issues related to; Disability, access, and learning support, and audit current practices; developing actions as required.

10. Related Policy Documents

- Bullying and Harrassment Policy
- Complaints Policy and Guidelines
- Data Protection Policy
- Disciplinary (Misconduct and Capability) Policy and Procedures
- Flexible Working Policy and Procedures
- Equalities Act 2010
- Grievance Policy and Procedures
- Instrument and articles of government
- PDR Policy
- Procedures for staff to request a change to their Contract or unpaid leave of absence
- Rights of Individuals Policy
- Safeguarding and Child Protection Policy
- SEND Policy
- Staff Code of Conduct and Model of Professional Behaviour
- Student Behaviour Policy
- Whistle Blowing Policy and Procedures
- Student Financial Support Policy
- EDI Leaflet

11. Contacts/ Resources

- EDI Coordinator: edi@bhasvic.ac.uk
- SU EDI Officers and Student EDI related Societies: studentunion@bhasvic.ac.uk
- HR: hr@bhasvic.ac.uk
- BHASVLE: Student Intranet EDI page
- Staff Intranet EDI page
- 'BIG Meetings' on Teams

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.

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.

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.

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.

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.

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.

As before, the Act puts a duty on an employer to make reasonable adjustments for 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 people with disabilities. This means that a job applicant or employee could claim that a particular rule or requirement that the employer has in place disadvantages people with the same disability. Unless the employer 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

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. Protected against discrimination on the grounds of pregnancy and maternity is afforded during the period of pregnancy and any statutory maternity leave to which the employee is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must not consider an employee's period of absence due to pregnancy-related illness when deciding about the employee's employment.

Race

For the purposes of the Act 'race' includes colour, nationality (including citizenship) 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 defines Sexual orientation as meaning a person's sexual orientation towards—persons of the same sex, persons of the opposite sex, or persons of either sex. So, the Act provides protection whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. For example, the Act protects people identifying as; bisexual, pansexual, gay, lesbian, and heterosexual.