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EQUALITY AND DIVERSITY POLICY 2011

This policy should be read in relation to the Equality and Diversity Strategy and Action Plan and other College policies including:

- Selection and Recruitment of Staff
- Staff Development
- Dignity at Work (Staff)
- Anti-Harassment and Anti Bullying (Students)
- Safeguarding Young People and Vulnerable Adults

It replaces all previous policies relating to Equal Opportunities.

Management	
Unions	
Governors	25 th may 2011
Student Council	
Review date	2012
Equality Analysis attached	

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Our commitment

Our new Policy represents our commitment to ensuring that we place equality and diversity at the heart of what we do so that we develop a College in which all can benefit and no one is excluded. This includes everyone with a 'protected characteristic' which the Act defines as: race, disability, gender, age, sexual orientation, religion and belief, gender reassignment and with reference to employment duties only: pregnancy /maternity and marriage/civil partnerships ¹.

We aspire to do more than comply with the present legislation for equal opportunities by making our policies and practice fully inclusive, eliminating discrimination, promoting equality and embracing diversity in all its aspects. In doing this we look forward to working with our partner organisations, local employers and suppliers of services to the College.

The College recognises that good practice in relation to teaching, provision of support services and cross college activities and having high aspirations for our learners results in their enjoyment of learning and their success.

In order to achieve our goals there will be ambitious targets, clear accountability for their achievement and rigorous monitoring and evaluation. Feedback from users of our services will be used to improve them through fresh objectives. Learner views and our progress against our targets will be published on the College website.

Whilst we do not underestimate the challenges we are setting ourselves, we will not compromise in our expectations of all members of the College community to support our vision of a just and thriving economic society where everyone is valued and supported in fulfilling their personal potential.

The business case

The business case for embedding good equality and diversity throughout the College is strong. The College is committed to wanting the best experience for all its staff and students irrespective of background, identity and circumstance. We are committed to:

- Recruit from the widest pool of applicants to attract and retain the most talented staff and governors
- Create a confident, skilled and highly motivated workforce
- Achieve high success rates and outcomes for learners
- Become the local employer and college of choice for staff and students

Celebrating and promoting diversity

We will celebrate diversity through public displays and events that demonstrate our commitment and help raise awareness, foster an inclusive ethos and create a culture of confidence and respect.

Our mission

“Kensington & Chelsea College aims to be a first class, first choice provider of Further Education for learners and employers, in a wide range of skills.”

¹ See Equality Wheel in Appendix II

Our values

- Inclusiveness and Respect for all
- Visionary and inspirational approach to learning
- Creative response to learners and employers
- Transparency and openness
- Celebrating excellence

Our legal responsibilities

The Equality Act 2010 replaces nine major pieces of legislation. It introduces a new public sector equality duty in force from April 2011 which requires the College to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations across all the protected characteristics

Protected Characteristics ²

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

General Duties

- Gather information on how the work of the College affects different groups
- Consult employees, service users, trade unions and other stakeholders and involve people with disabilities
- Assess the impact of College policies and practices
- In the light of this evidence set priorities
- Take action that will deliver the best outcomes

Policy statement

1. Principles

- 1.1. The College values diversity, in all its forms, and has amongst both staff and student communities a broad mix of people including those with one or more protected characteristics.
- 1.2. The College aims to ensure that all users of the College and all actual or potential employees and have equality of opportunity, regardless of age,

² See Appendices for definitions

disability, family responsibility, marital status, race, colour, ethnicity, nationality, religion or belief, gender, gender reassignment, sexual orientation, trade union activity, unrelated criminal convictions or other irrelevant criteria.

- 1.3. The College believes that all forms of prejudice and discrimination are unacceptable and will actively seek to challenge inequality, prejudice and discrimination.
- 1.4. Some people are genuinely unaware that their actions have given offence and are prepared to modify their behaviour when a person not directly involved has explained the matter. It is the responsibility of all to be prepared to modify their actions, or behaviour if this creates a hostile, intimidating, or offensive environment for others.
- 1.5. It is recognised that equal opportunities does not aim simply to treat everyone equally. Rather the College policy is the pursuit of the aim of promoting equality of opportunity to ensure that, as far as possible, groups and individuals who are educationally, socially and economically disadvantaged have the same opportunities for success as other groups in the population.
- 1.6. Equal opportunities practice is the responsibility of all individuals and groups at all levels within the College community.
- 1.7. The equality and diversity policy underpins and informs all aspects of College planning, procedures, and operation.

Division of responsibilities in meeting our duties

1. Governors are responsible for ensuring that:

- 1.1. The membership of the Governing Body reflects a diversity of the communities served by the College (Search Committee).
- 1.2. The College's strategic plan includes a commitment to equality and diversity (Principal)
- 1.3. They are aware of the Governing Body's statutory responsibilities in relation to equalities legislation (Clerk to Governing Body)
- 1.4. They approve the Equality and Diversity policy and strategy which details how objectives will be met
- 1.5. They receive and respond to the equality and diversity monitoring information on learners and staff

2. Managers are responsible for ensuring that:

- 2.1. They are aware of the College's statutory duties in relation to equalities legislation (Executive)
- 2.2. All aspects of the College policy and activity are sensitive to equalities issues
- 2.3. Monitoring information is collected and analysed by all managers. Reports are made to Executive and action taken as appropriate (Self Assessment Reports and Performance Review Boards)

- 2.4. Targets are set by Sector Managers on the recruitment, retention and achievement of learners based upon the analysis of the learner performance information for their sectors (Quality Improvement Action Plans and Slim Suite of Targets reviewed at Performance Review Boards)
- 2.5. Internal verification procedures include scrutiny of equality issues
- 2.6. Curriculum areas in all parts of the College are required to assess learner performance in relation to equality issues and action taken as appropriate (Lesson Observation System and Audit of course and tutorial files)
- 2.7. Targets are set by Executive on the recruitment and promotion of staff based upon the analysis of equality information (Equality, Diversity Impact Measures reported in SAR)
- 2.8. Publicity materials present appropriate and positive messages and promote social cohesion (Marketing Manager)
- 2.9. Lesson observations check that materials and methods are appropriate for all students and promote social integration and that personalised learning is effective (Moderation meetings held by Performance and Quality Managers)
- 2.10. All staff are trained on equality and diversity including completion of the e-learning courses (all managers)
- 2.11. Any issues raised are reported and investigated with the aim of ensure that any unfair treatment or offending behaviour stops, that there are no reprisals for having made the complaint in good faith and where disadvantage has occurred the situation is redressed as far as possible to the complainant's satisfaction.
- 2.12. Managers will draw on best practice in inclusive learning and support staff in developing their skills through a varied programme of continuing professional development activities.
- 2.13. Managers will ensure that college-wide issues should be addressed, as appropriate, through Management Structures, Executive, or Governing Body.

3. Staff are responsible for ensuring that:

- 3.1. They are aware of the College's statutory duties in relation to equality and diversity
- 3.2. They ensure that students are aware of their own responsibilities (induction and tutorial)
- 3.3. Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of diversity and promote inclusion
- 3.4. All learners have access to appropriate support and facilities including additional learning support and specialist equipment for students with disabilities and/or learning difficulties
- 3.5. They challenge inappropriate behaviour
- 3.6. They promote positive attitudes to diversity
- 3.7. They attend training on equality and diversity
- 3.8. Students are engaged in feeding back on how the college could be more responsive to individual and collective equality and diversity matters

4. Visitors and contractors

The College will take all reasonable steps to seek to ensure that those who provide services to, or visit the College are aware of and observe the equality and diversity policy of the College. It is the responsibility of the relevant internal contractor or host to ensure that providers/visitors behave appropriately towards all members of the College community, and that no discrimination takes place.

Communication

The College will be active in communicating our vision, policy and standards to staff, students, partners including prisons, contractors and visitors. We will do this through:

- Induction for staff and students
- Staff development
- Student tutorials and lessons
- Visual communication around buildings
- Events and activities within and outside the College
- The College web-site and staff and students intranets.

Monitoring our progress

Strategy and Action Plan

An Equality and Diversity Strategy will detail the way in which the college will drive practice towards its vision.

This will be supported by an Action Plan developed in dialogue with staff and students.

Progress against the action plan will be monitored and evaluated by the Equality and Diversity Committee and will be incorporated into the College's Self Assessment Report and Quality Improvement Action Plan.

Annual progress will be reported to the Executive team and the Governing Body and published on the website.

The Scheme will be revisited annually and revised after three years.

The College undertakes to conduct comprehensive and effective monitoring of all aspects of staffing and the student body,.

Governors and Executive will review monitoring on an annual basis and actions to address weaknesses will be agreed.

College policies and documentation will normally be reviewed every two years ³ to ensure that they continue to reflect best practice with regard to equal opportunities.

Breaches of the Policy

The College will not tolerate any form of discriminatory behaviour and there are clear disciplinary procedures for staff and students where this takes place.

³ More frequent amendments will be made if legislation changes

APPENDIX I

Terms and definitions

1 Definitions

1.1. The Equality and Human Rights Commission (EHRC) defines an equal society as one which:

‘protects and promotes the central and valuable freedoms and real opportunities of each person, securing human rights for all and ensuring that no-one is unfairly disadvantaged. In an equal society, central and valuable freedoms and real opportunities are not unconstrained but are limited by the need to guarantee the same freedoms and opportunities for all. In an equal society, institutions and individuals respect the diversity of people and their goals, address their different needs and situations and remove the barriers that limit what people can do and can be.’

1.2. The term ‘diversity’ is defined by the Chartered Institute of Personnel and Development (CIPD) in ‘Diversity: an overview’ (2008) as follows:

‘Diversity consists of visible and non-visible factors, which include personal characteristics such as background, culture, personality and work-style in addition to characteristics that are protected under discrimination legislation in terms of race, disability, gender, religion and belief, sexual orientation and age. Harnessing these differences will create a productive environment in which everyone feels valued, their talents are fully utilised and organisational goals are met.’

2 The Act recognises the following types of discrimination ⁴

2.1 Direct Discrimination happens when someone is treated unfairly, or less favourably than another person because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice.

2.2 Indirect discrimination happens when a ‘provision, criterion or practice’ is applied that appears to affect everyone equally but which in fact puts people who share a protected characteristic at a disadvantage.

2.3 Harassment happens when someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive, hostile, degrading, humiliating or intimidating for a person where this is:

- Related to a protected characteristic (except pregnancy/maternity or marriage/civil partnership, or
- Of a sexual nature (sexual harassment which can include unwelcome sexual advances, touching, sexual jokes, displaying

⁴ C. Rose (2011) The New Equality Act 2010. LSIS, Coventry.

pornographic photographs, drawing, sending e-mails of a sexual nature etc.) or

- Where a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or to gender reassignment (this is known as 'consequential harassment').

2.4 Victimisation happens when someone experiences disadvantage because they have supported someone in making a complaint or an allegation of discrimination, or because they personally have made an allegation of discrimination.

2.5 Discrimination arising from a disability happens when a disabled person is treated less favourably because of something connected to their impairment.

2.6 Failure to make reasonable adjustments happens when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared with a non disabled person.

3 Protected Characteristics ⁵

Age

Where Age is referred to it means a person belonging to a particular age (e.g. 20 year olds) or range of ages (e.g. 16-19 year olds). People of all ages are protected. Where people fall into the same age group they share the protected characteristic of age. The ban on age discrimination applies to the provision of goods, facilities, services and public functions is expected in 2012. However the Act allows for some different treatment in provision of goods and services e.g. Freedom Pass is acceptable, cheap car insurance for women is not.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that individual's ability to carry out basic day-to-day duties. The 2010 Act has removed the list of eight capacities, such as mobility or hearing, when considering whether a person is disabled. This makes it easier for some people to demonstrate that they meet the definition of a disabled person.

Gender Reassignment

A transsexual is a person who has proposed, started or completed a process to change his or her sex. Transsexual people can apply for full legal recognition in their acquired gender.

Marriage and Civil Partnership

People in a legally recognised civil partnership must be treated the same as married couples on a wide range of matters. People who are not married or in a civil partnership are not covered by this characteristic.

⁵ Based on definitions by the Challenge Consultancy (2011) produced in LSN training materials

Pregnancy and Maternity

Pregnancy is the condition of expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth.

Race

In the Act this refers to a group of people defined by their:

- Race
- Colour
- Nationality (including citizenship)
- Ethnic or national origins

A racial group may be made up of two or more different racial groups e.g. Black Britons

Religion or Belief

Religion includes any religion that has a clear structure and belief system. Protection under the Act also includes those who do not have a religion.

Belief means any religious or philosophical belief or lack of belief. To be protected a belief has to meet certain conditions. It must be 'a weighty and substantial aspect of human life and behaviour'.

Sex

As in previous legislation both men and women are protected.

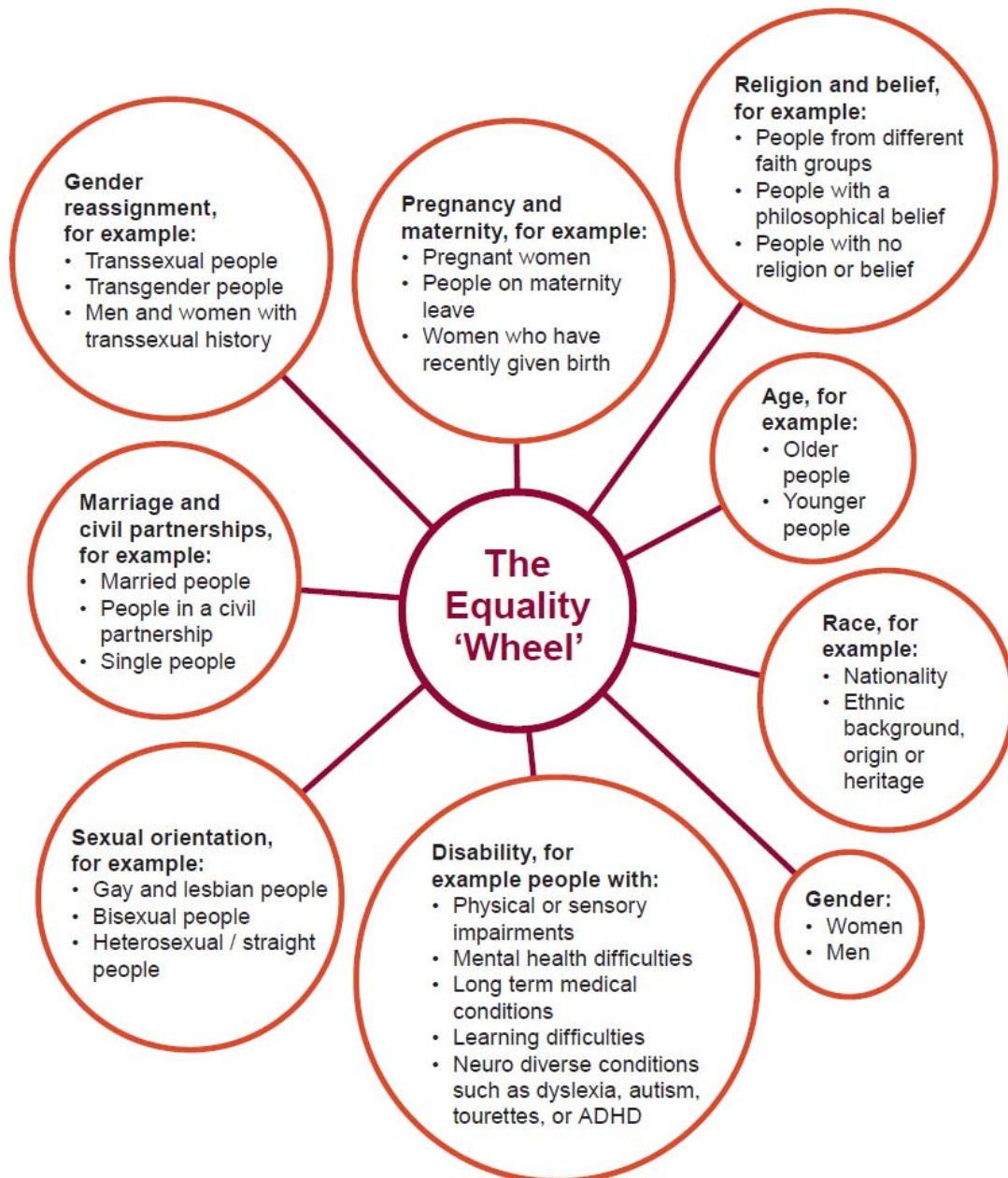
Sexual Orientation

This means a person's emotional, romantic and/or sexual attraction towards:

- Persons of the opposite sex (heterosexual)
- Persons of the same sex or (gay or lesbian)
- Persons of either sex (bisexual)

APPENDIX II

The Equality Wheel ⁶



⁶ Reproduced from 'The New Equality Act 2010, LSIS