

Equality, Diversity, and Inclusion Policy

Relating to: Equality and Diversity

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1. Introduction

St Helens College is committed to providing a high-quality educational experience and to promoting, maintaining, and supporting equality and diversity in all aspects of its work.

The College aims to create an environment where individuals feel confident and respected and have the opportunity to achieve their full potential through the College's core values of trust and care.

We want everyone to have a voice and feel they belong and are equally valued and important. There should be no differential in opportunities for career progression or training.

We want everyone to take an active role in reducing inequalities. The College is committed to respecting everyone, serving all our diverse populations equally well, and building an open and equitable culture within our organisation that celebrates diversity.

The College opposes all forms of discrimination in line with the Public Sector Equality Duty 2011 and as defined by the Equality Act 2010, whether direct, perceived, indirect or by association. We will not tolerate any form of discriminatory behaviour against actual or potential learners, employees or visitors.

2. Scope

This document describes College policy on equality, diversity and inclusion. It applies to all students, staff, governors, visitors, contractors and other service providers and users of the College.

3. Purpose

The College will actively seek to ensure that students and staff experience are free from harassment, discrimination, or victimisation of any kind with respect to protected characteristics, membership of a trade union, or for any other identifiable cause protected by law.

As a responsible body, the College recognises and accepts its liability for the actions of staff, students, contractors, and subcontractors. The College will comply with all legislation, regulations, statutory and non-statutory codes of practice and its contractual requirements relating to equality and diversity.

Any action by an individual employed by the College, or by a student or students, which contravenes this policy, renders them liable for disciplinary action. For staff evidence of discrimination or harassment may be considered as gross misconduct. For student's evidence of discrimination or harassment may be considered as ground

for exclusion. Clients or contractors who contravene the policy can expect appropriate action.

The College is keen to develop a culture that goes beyond compliance with the law that is fully inclusive, promotes equality and embraces diversity, where everyone is treated with respect and dignity. This policy describes how we will fulfil our statutory duties and also how we will develop our practices.

4. Legislative Framework

The College's Equality and Diversity Policy is based on the Equality Act 2010, and the Equality Act 2010 (Statutory Duties) Regulations 2011.

As a public sector organisation, the College has an additional duty under the Public Sector Equality Duty 2011.

This is made up of a General Equality Duty which is supported by specific duties. The General Equality Duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Specific Duty requires public sector organisations to show functional transparency by:

- Preparing and publishing one or more equality objectives which can be achieved to do any of the things mentioned in the aims of the General Equality Duty, and at least every four years thereafter.
- Ensuring that those equality objectives are specific and measurable.
- Publishing those equality objectives in such a manner that they are accessible to the public.

5. Protected Characteristics

The Equality Act 2010 applies to the College both as an employer and an education provider. The nine protected characteristics contained in the Equality Act are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity

- Race
- Religion or belief
- Sex
- Sexual orientation

Each protected characteristic is defined below:

Age:

A reference to a person who has the protected characteristic of age is a reference to a person of a particular age group. An 'age group' is a group of persons defined by reference to age, whether to a particular age or a range of ages. However different treatment because of age is not unlawful direct or indirect discrimination if it can be justified as a 'proportionate means of achieving a legitimate aim'.

Disability:

A person has a disability if that person has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities. HIV, Cancer and MS are included from the point of diagnosis. There is a duty to make reasonable adjustments to help an individual overcome disadvantage resulting from an impairment. It is discrimination to treat a disabled person unfavourably because of something connected with their disability.

Gender reassignment:

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. The Act does not require a person to be under medical supervision to be protected i.e., a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat trans 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. This protected characteristic also covers gender fluid and non-binary individuals.

Marriage and Civil Partnership:

Marriage will cover any formal union which is legally recognised in the UK as a marriage. A civil partnership refers to a registered civil partnership under the Civil Partnership Act 2004, including those registered outside the UK. Only people who are married or in a civil partnership are protected against discrimination on this ground. Single people are not protected.

Pregnancy, Maternity, Paternity and Adoption:

The College will not treat anyone unfavourably because of pregnancy, a pregnancy related illness, because of a period of maternity, paternity, adoption or shared parental leave or because they seek to take any such leave. The College will not discriminate

against an employee because of any association with a woman who is pregnant or who has recently given birth. Breastfeeding is explicitly protected by the Act.

Race:

Race includes colour: nationality (including citizenship), and ethnic or national origins.

Religion or belief:

Religion means any religion and includes reference to a lack of religion. Belief means any religious or philosophical belief and includes reference to a lack of belief. A belief should affect an individual's life choices or the way they live their life for it to be included in the definition.

Sex:

This refers to whether a person is a man or a woman.

Sexual orientation:

Sexual orientation means a person's sexual orientation towards all genders.

Trans Inclusion

We recognise that gender identity is a personal internal perception of oneself and, as such, the gender category with which a person identifies may not match the sex they were registered at birth. In contrast, sex is biologically determined.

We provide a supportive and inclusive environment for staff and students and will support them if they choose to share their gender identity or trans status. It is the individual's decision what they want to share about their gender identity and when.

6. Responsibilities

The following groups and post holders have responsibilities for the development and implementation of policies relating to equality and diversity for staff and students:

- I. Governors are responsible for:
 - a. Ensuring the College meets all its duties under the legislation.
 - b. Ensuring that the Equality Act 2010 is adhered to.
 - c. approving, championing, promoting and monitoring the Equality and Diversity Policy.

- II. The Principal and CEO is responsible for
 - a. Being the high-profile lead on all equality situations
 - b. leading the College's committees and boards to ensure compliance with legislation and policy and procedures.
 - c. Promoting the Equality policy both internally and externally

- III. The College Senior Leadership Team (SLT) are responsible for
 - a. ensuring that the Equality and Diversity Policy is implemented in all aspects of its work.
 - b. making sure all the staff know their responsibilities and receive support and training to carry these out.
 - c. ensure that bullying, harassment, discrimination or victimisation is effectively tackled.
 - d. building equality into their own area of work and considering setting equality targets, if appropriate
 - e. ensuring that organisations working with us work according to the requirements of the Equality Act 2010.

- IV. Everyone is responsible for:
 - a. operating within this policy at all times
 - b. challenging inappropriate language and behaviours
 - c. ensuring everyone is treated with respect, courtesy and dignity
 - d. broadening their knowledge, confidence and inclusive behaviour by attending relevant training and other learning opportunities s appropriate.

Every staff member has a duty under their contract of employment to comply with the requirements of this policy.

Every student has a duty under the Student Behaviour Policy to comply with the requirements of this policy.

Any individuals or organisation contracted with the College have an expressed duty under their contractual terms to comply with the requirements of this policy.

Any students and staff working on placement outside the College have an obligation to understand the policy requirements of that organisation, whilst ensuring they comply with the policy of the College.

The College will check that organisations who have students and staff on extended work placement at their premises comply with the Equality and Diversity Policy

7. Commitments

The College will seek to embed equality, diversity, and inclusion in all aspects of its work and commits to advancing equality as an employer and education provider beyond legislative compliance. Respect is one of the College's core values.

The College is committed to:

- Ensuring that recruitment, selection and admission procedures support equality and diversity in all aspects of education and employment so that the student body and workforce reflect the diversity of the communities it serves.
- Achieving equality for all students and to support diverse circumstances and needs in all aspects of teaching, learning and support.
- Achieving equality for all staff in training, career development, promotion, and reward
- Ensuring that diversity is taught through the range of topics and content within the
- Making adjustments for students and staff in accordance with identified needs wherever possible and reasonable.
- Complying with its legal responsibilities in carrying out both the General Equality Duty and specific Public Sector responsibilities.

Possibly taking lawful positive action to advance equality

This may be in the provision of facilities or services to meet the needs of the people from under-represented groups or to target job training and/or educational opportunities for particular groups which are underrepresented in a particular area of work or study.

8. Implementation

Implementing equality and diversity is an ongoing process that will be regularly reviewed by the College's Senior Leadership Team and Governing Body.

All staff will be made aware of the Equality and Diversity Policy during the induction process. Additional training will also be provided for staff including a mandatory Equality and Diversity online training programme. Training, advice, guidance, and support will be provided to ensure that all staff, students, and contractors understand their duties and obligations in law.

Managers involved in the recruitment and selection process will all be trained in legislative requirements.

All College marketing and support materials will encourage applications and enquiries from staff and students from all areas of the community, reflecting the ethos of this policy. The College aims to provide core information in a range of accessible formats on request where necessary.

College publicity will reflect our Equality, Diversity and Inclusion Policy and advance equality of opportunity between those people who share a protected characteristic and those who do not.

The College aims to provide support services during enrolment and on programme to assist and support in the identification of additional student support needs where necessary, e.g., financial assistance. College staff will ensure advice is available to prospective and existing students, without bias, on transport, courses, grants, benefits and careers.

All signs, regulations, communications and instructions will be clear and simple as possible and free from discriminatory language. The College is a secular and inclusive organisation that welcomes students and staff of all faiths and none. The College resources exist primarily for the delivery of learning activities, but arrangements will be made, where this is practicable, for staff or students to carry out religious observance.

The College curriculum will enable students to understand and embrace College Values and the College's commitment to advancing equality of opportunity and valuing diversity.

The College will ensure that fair and adequate arrangements are in place to ensure individuals are treated fairly and that decisions on recruitment, selection, pay, training, development, promotion, career management and termination of employment are based solely on objective and job-related criteria.

9. Breaches of Policy and Complaints

Reports of non-adherence to this policy will be taken seriously. It may be appropriate for informal and local resolution of issues or complaints. However, it is recognised that in some circumstances, the College reserves the right to use the relevant disciplinary procedures.

Staff who feel they have been treated less favourably and not in accordance with this policy, should report this via the Grievance procedure. In the first instance, matters may be discussed informally with the individual's immediate line manager or a Senior manager.

Students who believe they have not been treated in accordance with this policy may also wish to make a complaint. This must be made in accordance with the College's Complaints Policy.

The College Senior Leadership Team and wider management team are responsible for dealing with complaints under this policy. While it may be appropriate to deal with a complaint informally, it must be noted that any breach of this Policy may be grounds for disciplinary action under the Student Behaviour and Disciplinary Procedure or the Staff Performance Management Policy.

10. Engaging with Stakeholders

The College will involve learners, employees, representatives from external organisations and the local community in its action planning. The purpose of this is to:

- increase participation.
- identify barriers in our organisation so that changes can be made.
- increase our effectiveness in identifying and prioritising equality initiatives.
- improve staff and student satisfaction and morale.
- expose the College to the expertise and guidance of leading organisations in the field.

11. Associated documentation/ policies

- Student Harassment Bullying Policy,
- Maternity Policy
- Flexible Working Policy
- Disciplinary Procedure
- Harassment and Bullying Policy (staff)
- SEND Policy
- Student Services Statement of Service
- Safeguarding Policy
- Shared Parental Leave Policy
- Recruitment and Selection Policy
- Fitness to Study
- Student Disciplinary Policy
- Supported Admissions Policy
- Admissions and Enrolment Policy
- Sickness Absence Policy and Procedure.

12. Monitoring and review

The College will conduct comprehensive and effective monitoring of all aspects of this policy through Senior Leadership Team meetings and appropriate governance structures.

The College is committed to the collection of statistics, analysis, and presentation of data, as well as monitoring on an ongoing basis to ensure that education and employment policies and practices are relevant and appropriate. The College will seek to obtain benchmarking data for the purpose of monitoring where such data is available.

The Senior Management Team will receive data which will inform the planning process and where appropriate result in interventions to ensure the ethos of the policy is met.

Monitoring will be undertaken in accordance with best practice recommendations and where appropriate the College will apply for external recognition and kitemarks.

Review

This policy will be reviewed on a biannual basis or in line with legislation and/or best practice in the sector. Feedback is welcomed from staff and students.

Appendix A

Types of discrimination and prohibited conduct

Discrimination occurs when a person (or group) is treated less favourably than others because of a protected characteristic. It can take different forms and this section describes the different types of discrimination, or 'prohibited conduct', under the act. Specific examples of how these definitions are applied can be found in the Equalities Act 2010.

Direct discrimination:

A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

Combined discrimination:

A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

Discrimination arising from disability:

A person (A) discriminates against a disabled person (B) if A treats B unfavourably because of something arising in consequence of B's disability, and A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

Gender reassignment discrimination:

A person (A) discriminates against a transsexual person (B) if, in relation to an absence of B's that is because of gender reassignment, A treats B less favourably than A would treat B if B's absence was because of sickness or injury, or

B's absence was for some other reason, and it is not reasonable for B to be treated less favourably.

Discrimination by association:

is direct discrimination because of a person's association with a person who has a protected characteristic. This applies regardless of whether the person has the protected characteristic personally.

Discrimination by perception:

is direct discrimination against a person because they are mistakenly believed to have a protected characteristic.

Harassment:

is unwanted conduct relating to a protected characteristic, which has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Victimisation:

occurs when a person is treated less favourably because they have, in good faith, done a protected act (e.g., made or supported a complaint, or raised a grievance) regarding a protected characteristic.

Objective Justification:

is the process by which an organisation may be able to objectively justify discrimination as being a proportionate means of achieving a legitimate aim. If challenged it is for the organisation to justify the provision, criterion, or practice.

Indirect discrimination:

This may occur when a provision, criterion or practice is applied to everyone, but which puts a group of people who share a protected characteristic at a particular disadvantage; and this cannot be justified as a proportionate means of achieving a legitimate aim.

Reasonable adjustments:

are adjustments made to remove barriers preventing people from integrating into the workplace. The duty to provide reasonable adjustments is a positive duty to remove any barriers or provide extra support to disabled people in the workplace and for applicants during the recruitment process. Failure to make that adjustment may amount to discrimination.