



## 1. Introduction

Kendal College is fully committed to the promotion of equality of opportunity and to upholding the rights and responsibilities of staff, students and visitors.

The purpose of this policy is to establish clear guidance regarding equal opportunities and to meet the requirements of the Equality Act 2010 that combined nine pieces of legislation into one single act, with three broad aims:

- To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- To advance equality of opportunity between people who share a protected characteristic and those who do not
- To foster good relations between people who share a protected characteristic and those who do not

The policy recognises the additional considerations of direct discrimination by association and perception, indirect discrimination, detriment arising from disability, harassment and victimisation (see definitions in appendix 2). This policy should be read in line with the College's Equality objectives and annual report.

Section 2 of the Equality Act 2010 (Specific Duties) Regulations 2011 documents that a public sector body is subject to specific duties which include the requirement to:

- Publish annually, information to demonstrate how compliance with the general duty is being achieved
- Prepare and publish at least one Equality & Diversity objective, on a four-year cycle, that the College needs to achieve to demonstrate the aims of the general duty

Active promotion of Fundamental British Values links clearly with this policy along with the expectation that opinions and behaviours that are contrary to these values are challenged. Developing an understanding of different cultures and faiths in students will support the College's approach to combatting discrimination.

## 2. Policy Statement

- The College is committed to ensuring that all employees, students and visitors are treated equally regardless of the following protected characteristics of age, gender, disability, gender reassignment, pregnancy or maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation, marriage and civil partnership (employment only). The policy also applies to any sub-contracted provision run by the College and to contractors working at the College.
- In line with Chapter 15 of the Equality Act 2010, the Governing Body of the College has a specific responsibility to ensure there is no discrimination, harassment or victimisation against any person in respect of the admissions procedure, enrolment and terms of enrolment, the provision of training, access to College services, facilities and support and exclusion from a course. Consideration will also be given to the prevention of discrimination against a disabled person in respect of the award of their qualification (subsection 3).
- Where an employer of work-based students does not have an Equality Policy of their own, they will be required to comply with the Kendal College Equality Policy in respect of learners.
- In line with the College's Bullying and Harassment policies, Kendal College will not tolerate bullying of any member of staff, student or visitor on the premises or

linked to College activities off site. Any evidence of mocking, ridiculing, shouting or making another individual feel vulnerable will be viewed as unacceptable behaviour and treated accordingly.

- Kendal College is committed to ensuring continuous improvement in all areas of equality, diversity and disability awareness through the application of its equality objectives, with an emphasis on positive action and community cohesion.
- Equality & Diversity is a central theme within teaching, learning and assessment, demonstrated through inclusion in course planning, the Teaching, Learning & Assessment observation process and through audit of schemes of work, with the identification and promotion of best practice. Equality objectives will be used to monitor the impact of equality within course delivery, with an emphasis on developing the awareness of equality and diversity in all students.
- Fundamental British Values are included in the framework against which the College ensures that students have respect for each other and recognise difference regardless of faith, race or culture. By British Values we mean the values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

### **3. Procedure**

- 3.1 The College will treat all employees, students, applicants and visitors to the College with respect and dignity and will provide a working and learning environment free from unlawful discrimination, bullying, harassment or victimisation. To this end, within the framework of the law and best practice, the College is committed to achieving and maintaining an environment which challenges discriminatory practices and promotes values and principles.
- 3.2 No employee, student, applicant or visitor will be disadvantaged or treated less favourably because of conditions or requirements which cannot be justified. The College will take immediate steps to make reasonable adjustments to its arrangements and premises where any current practice discriminates against individuals with a protected characteristic or goes against the respect of fundamental British values.
- 3.3 Kendal College will not tolerate unlawful discrimination and will eliminate it by:
  - Promoting its Equality Statement and objectives in student literature, the College website and through student induction and tutorial programmes
  - Communicating its policy statement on equality to students, staff, governors, partners, stakeholders, contractors and visitors to the College
  - Through promotion and follow up, ensuring that all parties understand their rights, responsibilities and accountabilities under the policy
  - Ensuring that no potential student is refused a place for discriminatory reasons and that there is no indirect discrimination by discouraging people with a particular characteristic from applying eg through imagery of discouraging older applicants
  - Having in place clear and effective policies to enable all parties to be able to raise issues in respect of equality eg complaints and grievance policies and disciplinary procedures for dealing with direct and indirect discrimination
  - Monitoring, reviewing and reporting on the effectiveness of these procedures to the Senior Leadership and Management Team and the Corporation

- Regularly reviewing the policy to ensure that it does not impact adversely on any group
- Ensuring that work based learning employers meet the expectations of the College's equality policy in the absence of having their own
- Closely monitoring outcomes for students and, through establishing any causal links for different performance, seek to put in place positive interventions to ensure there is equality of opportunity for all students.
- Ensuring that no student with a protected characteristic is excluded from College because of that characteristic. A reasonable adjustment will be made if the behaviour is a direct consequence of a disability. However, through effective guidance, applicants, who in the opinion of the college will face unrealistic barriers to success or participation by seeking to take a particular course, will be advised onto a more appropriate training route.

Kendal College will create a culture of equality and diversity by:

- Promoting and creating an awareness of responsibilities for equality and fundamental British values with staff, governors and employers
- Through student feedback, Student Council and Staff Voices, ensuring there is no evidence of discriminatory practice and using feedback to support continuous improvement
- Celebrating and communicating key cultural events and getting involved in local community projects that support diversity
- Taking positive action to support under-represented groups in accessing College provision
- Through tutorial processes, support the development of spiritual, moral, social and cultural development of students, ensuring that they are aware of their responsibilities towards others and taking action when they do not treat others with respect
- Taking action to ensure the College offers a welcome to all, irrespective of ethnicity, race, religion or belief, sex or sexual orientation, disability, gender or age
- Through analysis of key data on participation, retention, achievement and progression, identify and remove barriers, within the College's control, that hinder or prevent students or staff from minority groups from achieving their full potential
- Ensuring that all curriculum teams actively seek memorable, participative and enjoyable opportunities within their programmes to celebrate diversity, widen students' cultural understanding and prepare them to be effective citizens in a multi-cultural society, in line with the expectations of fundamental British values
- Training and developing all staff to ensure that they have the skills needed to promote equality and diversity
- Ensuring that all contractors and sub-contractors have mechanisms for promoting and managing equal opportunities within their organisations when working with the College

3.4 Kendal College will promote good relations between diverse groups of people by:

- Ensuring that all members of the College community, partners, stakeholders, contractors and visitors are aware of the College's equality

values, standards and actions. This will be achieved through publication of our equality objectives and policy on the College website.

- Making use of opportunities within the learning environment to promote knowledge and understanding of diversity

### 3.5 Gender Equality including Gender Reassignment

Gender equality ensures that both men and women are protected against unlawful discrimination. The legislation also refers to discrimination or harassment of a person because they are intending to undergo, are undergoing, or have undergone gender reassignment as well as for those where their gender identity is not necessarily visible to others or gender non-conforming where their gender expression is different from societal expectations related to gender.

The College is committed in its role both as an employer and as an education provider to eliminate gender inequality in its structure, employment practices and curriculum content.

The College will actively promote counter-gender stereotyping in its promotion of programme areas to non-traditional learners through imagery and taster day opportunities and will monitor recruitment to ensure this principle is applied in pre-entry activities and recruitment practices.

### 3.6 Race Equality

For the purpose of this policy, race includes colour, nationality and ethnic or national origins.

The College is committed to promoting race equality both in its role as an employer and as an education provider and will tackle racial discrimination in its structure, employment practices and curriculum content by making the following commitments:

- Developing an ethos that respects and values all people irrespective of their colour, culture, ethnicity and race and, through taking positive action, encourage applications for both employment and learning from minority ethnic groups.
- Ensuring that there are no barriers based on colour, culture, ethnicity or race which limit or discourage access to College provision and activities and by ensuring our curriculum is inclusive with fair assessment processes
- Ensuring that all aspects of College services, including curriculum delivery, avoid stereotyping based upon race but use positive images of race to support a greater understanding of diversity by students.
- Monitoring of data in respect of students from diverse ethnic groups to ensure there are no barriers to achievement and publishing that data as part of its annual equality report.

### 3.7 Disability Equality

The College is committed in its role both as an employer and as an education provider to ensure that people with a disability are not treated less favourably. As an employer and as a provider of learning, the College will work towards making premises fully accessible and provide appropriate levels of support to

enable staff and learners to work to their full potential. The College recognises that failure to make reasonable adjustments will be considered to be discriminatory. The following key actions are in place in respect of disability:

- Reasonable adjustments will be put in place to remove any disadvantage to disabled learners and staff and will include timetables and assignment deadlines where possible, College facilities and services and special exam arrangements in line with the College's additional support policy.
- All applicants for vacant posts who indicate that they have a disability and who meet the short-listing criteria, in line with the College's recruitment procedure, will normally be invited to interview.
- All candidates for interview and applicants for courses when invited for interview will be asked if assistance is needed and the relevant personnel will discuss practical arrangements for those with a disability to attend interview.
- Conditions that encourage disclosure of disability, both physical and mental, will be created at every stage of the pre-entry phase and will continue once a student has entered their learner journey. Learners who disclose, or who are identified through advice, guidance and screening processes as having a disability, will be supported through student support systems at the earliest opportunity. The College will ensure that information relating to a learner's individual needs are disclosed to those areas of the College where support is needed. Learners will be given the right to confidentiality if they do not want information about their learning needs to be passed on but on the understanding that it may not be possible for the College to make reasonable adjustments
- The College will work closely with local authority teams, school transition and other stakeholders to agree the appropriate level of support for students with Education & Health Care Plans, including those designated high needs learners
- Students who disclose a disability that does not affect their learning will be risk assessed under the Student Risk Assessment Policy to ensure there are no barriers to them accessing the College and its facilities.
- Data in respect of students with disabilities will be monitored to ensure there are no barriers to achievement and will be published as part of its annual equality report.

### 3.8 Age Equality

The College is committed in its role both as an employer and as an education provider to eliminating discrimination on the basis of age, whilst taking account of funding body criteria and pension regulations.

### 3.9 Religion or Belief

The College will undertake to ensure that policies and practices take account of the different religious traditions and practices wherever it is reasonable to do so and to ensure no staff member or student is discriminated against because of their religion or faith. Consideration will be given to the timing of exams and assessment dates or other events that may conflict with religious holidays. There is no specific requirement under the Act to provide time and

facilities for religious observance in the workplace but the College will make reasonable adjustments to meet disclosed need. In respect of dietary requirements linked to religion, Café and Restaurant menus offer a wide range of options to meet the needs of the majority of diets and additional foods will be made available on request.

As part of the College's responsibilities under Fundamental British Values, tutorial programmes will be developed to enable students acquire an appreciation of and respect for their own and other cultures including an understanding that the freedom to choose and hold other faiths and beliefs is protected in law. Under the College Dress Code, there will be instances where students and staff are requested not to wear a veil based on health and safety grounds.

### 3.10 Sex and Sexual Orientation

No form of discrimination or bullying will be tolerated in respect of sex or sexual orientation and the College will ensure policies and practices in respect of learning and employment are in place that protect bisexual, gay, heterosexual and lesbian people. The College will take steps to include this characteristic in its structure, employment practices and curriculum content.

### 3.11 Pregnancy & Maternity

Staff and students who are pregnant are protected against discrimination on the grounds of their pregnancy and maternity rights during the period of pregnancy and any statutory maternity leave to which they are entitled. During the period, pregnancy and maternity discrimination cannot be treated as sex discrimination. The College will not take into account an employee or student's absence due to pregnancy-related illness when making a decision about employment or attendance.

### 3.12 Training and Awareness

The College is committed to providing training to all new and current staff, Governors and students and will ensure that equality and diversity is incorporated within induction and continuing professional development plans for all staff, and fully integrated within learning opportunities for all students.

The College's staff development plan includes annual training on aspects of equality and diversity in line with new legislative requirements or updates within teaching and learning and will apply to both staff on College contracts and who are employed through an agency.

### 3.13 Positive Action

The College undertakes to follow positive action measures allowed by law to rectify disadvantages revealed through the monitoring process.

Positive action allows the College to:

- Undertake to make anticipatory adjustments for students with disabilities, including accessibility and service provision
- Put on widening participation activities aimed at people from particular underrepresented groups.
- Target recruitment and training at particular groups that are under-represented in a particular area of work or course.

- Ensure continuous improvement across the College and to embed awareness of the intolerance of any discriminatory practice
- Provide mentoring for staff from equality groups currently under-represented at certain levels or certain roles

Positive action strategies are intended to be temporary measures only. They must be kept under review and will not be used once the special needs have been met or when under representation no longer exists. The College will ensure that when using a positive action strategy that it falls within the law.

### 3.14 Monitoring, Implementing & Reviewing

College policies, procedures, processes and plans will be prioritised for equality impact assessment (EIA) and will be evaluated against the needs of people with protected characteristics. Where policies are reviewed as part of their normal timetabled process, EIA will occur at the time of review. The policy front page gives the opportunity to carry out the initial assessment. Where a more in-depth assessment is needed, the paperwork at appendix 1 should be used.

The College is committed to evaluating the effectiveness of its Equality Policy and will set performance indicators (Equality & diversity Impact Measures) based on baseline data for key areas. These will be monitored by the Senior Leadership and Management Team and the Governing Body on a pre-determined basis, the latter being through the dashboard report.

At SLMT Performance Review meetings, data in respect of recruitment, retention and achievement will be monitored to identify gaps in provision with further scrutiny at course level where concerns are identified. Actions will be agreed and implemented with outcomes reported at the next review. Trend data will be generated to demonstrate College progress.

### 3.15 Dealing with Complaints/Breach of the Policy

Any complaints or grievance arising from an alleged breach of the Equality Policy should be progressed through the Complaints Procedure where it relates to learners, stakeholders, members of the public or candidates for interview or, where it relates to an employee of the Corporation, in line with the grievance procedure as outlined in the staff handbook.

All complaints, however informal, will be recorded and monitored for impact on equality & diversity.

### 3.16 Annual Equality Report

An annual report on the College's approach to equality plus progress against its published equality objectives will be produced at the end of each academic year and approved by the Corporation. The report will then be made publically available through the College website in January of each year. The Equality Objectives will be reviewed on a four-yearly basis in line with the Public Sector Duty of the Equality Act.

## 4. **Documentation**

- Appendix 1 Policy front page for EIA and stage 2 EIA proforma
- Appendix 2 Types of Discrimination: Definitions

## **5. Reference to Other Policies**

- Complaints Policy
- Disciplinary Policy
- Grievance Policy
- Teaching, Learning & Assessment Policy
- Dress Code
- Student Risk Assessment Policy



**Stage 2 Equality Impact Assessment (4 Ps - policies, procedures, plans & practice)**

This form should be used to complete a more rigorous equality assessment where issues are identified in stage 1 (front sheet of policy)

Policy Title:	Date of review:
Responsible Manager:	Existing or proposed policy?
Summary/aim of Policy:	
Who is affected by the activity and in what way? Eg Students, Staff, Visitors	Have you consulted with others on the development and /or review of the policy? Yes [ ] No[ ]  If Yes, please state how:

Use the following grid to assess the impact of the policy/procedure/plan/practice on different groups. Consider each category and mark each one, in column entitled **RISK, H – high concern, immediate action needed, M – medium concern, further action to be recommended, L – low concern, no action needed**

Once completed, consider the actions needed to make improvements and identify how the changes will then be monitored for impact.

1. Is there likely to be a negative impact on one or more of the groups listed?
2. Can measures be added or sections amended to promote a positive impact?

<b>Category</b>	<b>Risk Level</b>	<b>Action Y/N</b>	<b>Comment/Evidence</b>	<b>Responsibility</b>	<b>Change suggested</b>	<b>How/where measured</b>
Disability						
Race						
Gender						
Religion/Belief						
Sexual Orientation						
Age						
Pregnancy/maternity						

**Follow up:**

Date of amendments:

Date of next review:

**What supporting evidence was used?**

(List the evidence which was used during this assessment (including staff or student data, surveys, consultation, review)

**Following the Equality Impact Assessment, what are the recommendations?**

**Monitoring and Review** (how will the policy be monitored for those with protected characteristics?)

## 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 perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

### Associative Discrimination

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.

### Perceptive 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 reasonable in managing your business, ie 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 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 employers potentially liable for harassment of employees by people (third parties) who are not employees such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions, and the employer is aware that it has taken place and has 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.