

# Equality and Diversity Policy

## (For Staff)

POLICY	EQUALITY AND DIVERSITY POLICY FOR STAFF	APPROVED BY	ESCG Board
VERSION	ESCG1_VERSION1	EFFECTIVE FROM	22/10/2019

## East Sussex College Group (the College Group)

### Equality and Diversity Policy for Staff

#### Purpose of the policy

- 1 **College Group's position:** The College Group values, culture and behaviours support the principle of equal opportunities and opposes discrimination on the basis of age, sex, marriage and civil partnership, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity and part-time or fixed-term employment (defined as **Protected Characteristics**). Being a committed equal opportunities employer, the College Group will take every possible step to ensure that employees are treated equally and fairly. All policies and practices will conform with the principle of equal opportunities in terms of recruitment, selection, training, promotion, career development, discipline, redundancy and dismissal. In some situations, the College Group may be at risk of being held responsible for the acts of individual members of staff and will not tolerate any discriminatory practices or behaviour.

The Group is committed to ensuring a working environment where equalities and fairness is integral to everything we do, and is embedded in all our policies and practices. We value each individual within our workforce and will challenge all forms of inequality.

#### To whom does this policy apply?

- 2 **Application:** This policy applies to the College Group's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to ex-employees, to job applicants and to individuals. It also applies to agency staff, consultants, volunteers and governors who are not our employees, but who work, volunteer or attend at the College Group (collectively workers).
- 3 **Employees duties:** All employees have a duty to act in accordance with this policy, to treat colleagues with dignity at all times, and not to discriminate against, harass or victimise other members of staff, whether junior or senior to them.

#### Internal Responsibilities

- 4 **Board of Governors:** The Chief Executive and governors are responsible for ensuring that the College meets its legislative responsibilities in respect of equality and diversity and for receiving and responding to monitoring information.
- 5 **Leadership Team:** The Executive and Senior Leadership Team is responsible for ensuring that team members are familiar with their roles and responsibilities and the content of this policy. It is committed to providing support and equality and diversity training to promote a positive and inclusive culture for learning and work. The Executive is responsible for monitoring team member profiles in respect of Protected Characteristics.
- 6 **Management:** Heads of department and others at a management level all have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to ensure that those they manage adhere to the policy and promote the aims and objectives of the College Group with regard to equal opportunities. This should be read in conjunction with the Equality and Diversity Policy (for Students).
- 7 **Human Resources:** The Human Resources Team is responsible for ensuring the Group complies with the Public Sector Equality Duty in relation to the recruitment, training, development and support of all staff.
- 8 **Quality Improvement:** The Quality Improvement Department is responsible for leading on all aspects of equality and diversity. It will ensure that we meet the needs and interests of our team members by ensuring that we monitor performance and champion excellence and monitor how effective we are at promoting

equality and diversity and tackling discrimination. It is also responsible for implementing improvements, in order to identify and narrow any achievement gaps.

- 9 **Questions about this policy:** All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives. If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should speak to your line manager or a member of the Human Resources Team.

## Forms of discrimination

- 10 **Types:** Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 11 **Direct discrimination:** Direct discrimination occurs where:
- 11.1 Someone is treated less favourably because of one or more Protected Characteristics. For example, rejecting an applicant because they would not "fit in" because of their race or sexual orientation would be direct discrimination.
- 11.2 Someone is less favourably treated because of their association with someone who has a Protected Characteristic. For example, an employee may be treated less favourably because they have a disabled child.
- 11.3 Someone is treated less favourably because they are perceived to have a Protected Characteristic. For example, an employee may be treated less favourably because they are believed to be (but may not actually be) homosexual.
- 12 **Indirect discrimination:** Indirect discrimination occurs where an individual is subject to a provision, criterion or practice, applied to a group of people, which puts them at a particular disadvantage because of a Protected Characteristic, and it cannot be objectively justified. An example might be a minimum height requirement for a job. This is likely to eliminate proportionately more women than men. If this criterion cannot be objectively justified, because it is not a proportionate means of achieving a legitimate aim, then it will be indirectly discriminatory on the ground of sex.
- 13 **Victimisation and harassment:** Discrimination also includes victimisation (suffering a detriment because of action the employee has taken or may take to assert legal rights against discrimination or to assist a colleague in that regard (called a **Protected Act**)) and harassment (see the College Group's Bullying and Harassment Policy and Procedure for a more detailed explanation of "harassment").

## Recruitment and selection

- 14 **College Group's position:** The College Group aims to ensure that no job applicant receives less favourable treatment because of a Protected Characteristic. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities and that sufficiently diverse sectors of the community are reached. Job selection criteria are reviewed from time to time to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job. See the College Group's Recruitment Policy for more information.

## Staff training and promotion and conditions of service

- 15 **College Group's position:** Staff training needs shall be identified through regular staff appraisals. All workers will be given an equal opportunity and access to training to enable them to progress within the organisation. All promotion decisions shall be made on the basis of merit.

- 16 **Terms and conditions:** Our conditions of service, benefits and facilities will be reviewed on an annual basis ensure that they are available to all workers who should have access to them and that there are no unlawful obstacles to accessing them.

### **Disability discrimination**

- 17 **Informing the College Group:** If you are disabled, or become disabled in the course of your employment, you are encouraged to tell us about your condition. This is to enable us to support you as much as possible and to ensure that you are not treated less favourably because of something related to your disability.
- 18 **Reasonable adjustments:** You may also wish to advise your line manager and/or the Human Resources Team of any reasonable adjustments to your working conditions or the duties of your job which you consider to be necessary, or which would assist you in the performance of your duties. This may involve the provision of an additional piece of equipment or assistance in helping you to perform your work. Your line manager and/or the Human Resources Team may wish to consult with you and with your medical adviser(s) about possible reasonable adjustments. Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of your job. Nevertheless, there may be circumstances where it will not be reasonable for us to accommodate the suggested adjustments and we will ensure that we provide you with information as to the basis of our decision not to make any adjustments.
- 19 **Physical barriers:** The College Group will monitor the physical features of its premises to consider whether it can make any changes to help remove disadvantages which these may create for disabled users. Where possible and proportionate, the College Group will take steps to improve access for disabled users of the premises.

### **Fixed-term employees**

- 20 **Monitoring:** The College Group will monitor our use of fixed-term employees and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress within the College Group to ensure that they are accessing permanent vacancies.

### **Part-time workers**

**20.1 Monitoring:** The College Group will monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will also ensure requests to alter working hours are dealt with appropriately considered.

### **Agency workers**

- 21 **Monitoring:** The College Group will monitor agency workers to ensure that they are treated no less favourably than a comparable worker in relation to accessing collective facilities and amenities at the College Group. The College Group will also monitor the use of temporary work agencies and subject to the exceptions set out in the Agency Workers Regulations 2010, will ensure that all agency workers have the same basic working conditions they would have been entitled to had they been recruited by the College Group directly into a comparable role.

## Breaches of the policy

- 22 **Complaints:** If you believe that you may have been disadvantaged because of a Protected Characteristic, you are encouraged to raise the matter through the College Group's Grievance Policy and Procedure. If you believe that you may have been harassed because of a Protected Characteristic, you are encouraged to raise the matter through the College Group's Bullying and Harassment Policy and Procedure. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure.
- 23 **False allegations:** These procedures apply during and after termination of your employment. Workers who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations of a breach in this policy which are found to have been made in bad faith will, however, be dealt with under the Disciplinary Policy and Procedure.
- 24 **Disciplinary action:** If, after investigation, you are proven to have engaged in any unwanted conduct because of a Protected Characteristic, or otherwise acted in breach of this policy, you will be subject to disciplinary action. In serious cases, such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The College Group will always take a strict approach to serious breaches of this policy.

## Approval monitoring and review

- 25 This policy was presented and approved by the newly merged College Group Corporation Body in [DATE].
- 26 This policy is subject to an annual review. The policy and the implementation arrangements which underpin it will be formally reviewed on an annual basis. This review will take into account the views of team members and relevant legislation.
- 27 The College Group monitors the profile of its employees by age, gender, disability and ethnicity. Monitoring for team members is undertaken by the HR team. Data collected for monitoring purposes will be published on our website at least annually and will be reported to the senior leadership team and annually to the Board of Governors. The presentation of such information shall observe the College's legal and contractual responsibilities in respect of individual confidentiality particularly in regard of sensitive data and will not identify individuals.
- 28 The following systems are in place to monitor and evaluate the equality and diversity impact of the College policies;
- 28.1 HR Annual Review.