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Equality and Diversity Policy & Procedures 2021-2023

Approved by:	Academic/Quality Assurance Board
Date of approval:	15/03/2021
Effective date:	15/03/2021
Next review date:	15/03/2023



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Purpose of the Policy

1. Mont Rose College is committed to creating a place where everyone, whatever their circumstances and/or background:
 - Is fully respected
 - Is listened to and encouraged to give their views
 - Feels welcome
 - Is treated in a friendly way
 - Is treated in an equal way
 - Has equality of opportunity
2. Learners, staff, governors and other stakeholders are expected to behave in a way which makes other people feel accepted, comfortable and safe

Policy statement

3. The College will work to ensure that:
 - Equality of opportunity is embedded in all policies, practices, decision-making and evaluation processes
 - A visibly diverse environment is created which values difference and raises aspiration
 - Flexible opportunities are offered which meet local learning needs and enable all students to realise their potential
 - All staff are clear about standards and strategies to meet diverse learner needs and are equipped to respond effectively
 - The fullest participation of all students and staff is secured in all areas of College life. Issues of under-representation will be addressed and where appropriate, incorporated into equality and diversity impact measures
 - There are clear procedures for challenging discrimination, harassment and unacceptable behaviour
 - Rigorous analysis is undertaken to identify equality gaps, and strategies to address these issues are implemented and monitored through equality and diversity impact measures

- Comprehensive and imaginative feedback systems are developed to capture learner, staff and stakeholder perceptions of our performance and potential for improvement
- Positive images of achievement from all sections of society are recognised and celebrated
- No member of its community is unfairly disadvantaged because of their social or economic background
- Job applications are welcomed from all sections of society and selection is made on the basis of specified skills and abilities. Exceptions are only permitted in the event that there is a genuine occupational requirement

Responsibilities:

4. All students have a duty and responsibility to ensure that the policy is implemented effectively and is helping in ensuring to prevent all forms of direct and indirect discriminations.

- Failure to comply with the policy will be treated as disciplinary offence
- Individual who commits any act of harassment may be guilty of a criminal offence and student will be liable to exclusion

Legislative Context of our Equality and Diversity Policy

5. There are various pieces of legislation which impose positive duties upon us:

- Disability Discrimination Act (DDA) 2005
- Equality Act 2006
- Race Relations (Amendment) Act 2000 (RR(A)A)
- Employment Equality (Age) Regulations 2006
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Equality Act 2010
- Human Rights Act 1998

6. Wherever possible, we will ensure within our policies and procedures that we do not discriminate on the grounds of any of the six Equalities strands

Policy Review

7. The progress of our Equality and Diversity Policy will be reported annually to the Board of Governors
8. This Policy will be reviewed annually by the Academic and Quality Assurance Board, however ongoing changes in legislation may require amendment prior to this date

Statement on Discrimination on the Grounds of Race

9. This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of Higher Education
10. The regulations make it unlawful on the grounds of race to:
 - Discriminate directly against anyone because of their race, unless it can be objectively justified
 - Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular race, unless it can be objectively justified
 - Subject someone to harassment
 - Victimise someone because they have made or intend to make a complaint or allegation

11. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with this Policy will be regarded as a breach of the appropriate disciplinary code as it applies to

a member of the Student Body (Student Disciplinary Policy), or
a member of Staff (Staff Disciplinary Policy)

Statement on Discrimination on the Grounds of Disability

12. This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of higher education

13. The regulations make it unlawful on the grounds of race to:

- Discriminate directly against anyone because of their disability, unless it can be objectively justified
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular disability unless it can be objectively justified
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

14. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies to

a member of the Student Body (Student Disciplinary Policy), or
a member of Staff (Staff Disciplinary Policy)

Statement on Discrimination on the Grounds of Age

15. This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of higher education

16. The regulations make it unlawful on the grounds of age to:

- Discriminate directly against anyone because of their age, unless it can be objectively justified
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular age, unless it can be objectively justified
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

17. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies to

a member of the Student Body (Student Disciplinary Policy), or

a member of Staff (Staff Disciplinary Policy)

Statement on Discrimination on the Grounds of Religion

18. This strand of legislation is now adopted into the Equality and Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of higher education

19. The legislation states that a person should **not** be subject to any of the following because of their religion or belief:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation

20. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies to

- a member of the Student Body (Student Disciplinary Policy), or
- a member of Staff (Staff Disciplinary Policy)

Statement on Discrimination on the Grounds of Sexual Orientation

21. This strand of legislation is now adopted into the Equality and Diversity Policy & Procedures of Mont Rose College as an employer and as provider of higher education

22. A person should **not** be subject to any of the following because of their sexual orientation:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation

23. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies to

- a member of the Student Body (Student Disciplinary Policy), or
- a member of Staff (Staff Disciplinary Policy)

Statement on Discrimination on the Grounds of Gender

24. This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of higher education

25. The regulations make it unlawful on the grounds of gender to:

- Discriminate directly against anyone because of their gender, unless it can be objectively justified
- Discriminate indirectly against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular gender, unless it can be objectively justified
- Subject someone to harassment
- Victimise someone because they have made or intend to make a complaint or allegation

26. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies

- a member of the Student Body (Student Disciplinary Policy), or
- a member of Staff (Staff Disciplinary Policy)

Statement on Discrimination on the Grounds of Gender (Reassignment)

27. The Equality Act 2010 provides protections prohibiting unlawful discrimination, harassment and victimisation of staff, students or visitors on the grounds of gender reassignment.

28. The protection from unlawful discrimination, harassment and victimisation is available to all individuals who intend to live their lives permanently in the opposite gender from their gender at birth.

29. Additionally, the Gender Recognition Act 2004 allows individuals who have undergone gender reassignment to obtain a Gender Recognition Certificate (GRC). This means that she or he is legally recognised for all purposes in the acquired gender.

30. It is a criminal offence under this legislation to disclose information obtained in an 'official capacity' (i.e. as part of a person's job of function within the College) about the gender history of a person with a GRC.
31. Whilst an individual is undergoing the gender reassignment process she or he benefits from protection from unlawful discrimination, harassment or victimisation.
32. When a member of staff notifies a manager that he or she has decided to undergo gender reassignment, the manager should arrange to meet with him or her to discuss this and possible issues that may arise.
33. It will need to be agreed with the staff member how and when colleagues and others are informed about the transition. The manager will also need to agree with the staff member whether others, such as suppliers, students or customers, are informed. If possible, colleagues should be briefed before the staff member attends work as a member of the opposite gender.
34. If there is a dress code or the staff member wears a uniform to work, the manager and staff member should discuss whether or not any flexibility is required during the transition process and, if it is, agree what form this should take and over what time period.
35. Managers should meet with the individual regularly to discuss any concerns. Advice may be sought from HR to resolve questions that may arise.
36. In addition to managing the practicalities of the transition process, it may help to provide colleagues with information on gender reassignment. This can help to dispel prejudice and possible hostility due to a lack of awareness or understanding of gender reassignment.
37. Work colleagues should also be asked to refer to the transsexual person by his or her new name and to use the appropriate pronouns.
38. Managers need to be proactive in ensuring that a colleague who is undergoing gender reassignment does not become the target of bullying, harassment or discrimination.
39. Managers should try to address quickly any concerns that other colleagues may have and remind them that any incidents of bullying or harassment will be dealt with under the relevant disciplinary procedure.

Statement on Discrimination on the Grounds of Marriage and Civil Partnership

40. This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of higher education

41. The College is committed to preventing discrimination on the grounds of marriage and civil partnership in the following areas:

- Recruitment
- pay, and terms and conditions of employment
- promotion opportunities
- training opportunities
- dismissal

42. The College encourages staff and students to disclose their sexual orientation in order to identify whether there are any inequalities experienced by lesbian, gay and bisexual (LGB) people. The information provided is held securely and treated as confidential

43. The College recognises the right of individuals to choose whether they are open about their sexual orientation and undertakes to provide a supportive environment for staff and students who disclose that they are lesbian, gay or bisexual

44. The use of homophobic propaganda in the form of written materials, graffiti, songs or speeches will not be tolerated. The College undertakes to remove any such propaganda from its premises and to take action against those responsible. The only exception to this is where there is a legitimate educational need to discuss lesbian, gay and bisexual issues

45. The College will ensure, wherever possible, that workplace benefits apply equally to same-sex couples as heterosexual couples, whether or not their partnerships are recognised in law. All relevant HR policies, for example, the Work Life Balance Policy and Family Leave Policy, are inclusive and apply to LGBT+ staff and same-sex couples as well as heterosexual individuals and couples

Statement on Discrimination on the Grounds of Pregnancy and Maternity

46. This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Mont Rose College as an employer and as a provider of higher education

47. A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and of any statutory maternity leave to which she is entitled.

48. The College cannot take into account the employee's period of absence due to pregnancy-related illness when making decisions about her employment.

49. The College is committed to actively helping staff to combine family life with a satisfying working life and will offer the same support for all parents, including adoptive parents and same sex parents

50. We are committed to showing as much flexibility as possible to facilitate the career development of staff and will seek to ensure that no member of staff is disadvantaged due to pregnancy or taking maternity or paternity leave

51. Managers are expected to discuss with a pregnant member of staff whether she wishes to change her working pattern upon her return from maternity leave and give sympathetic consideration to requests to return on a part-time, or flexible basis.

Action Plan:

52. Student Equality and Diversity Action Plan is used to monitor and review actions required to achieve objectives in line with the College's Strategic Plan.

Student Awareness:

53. Students will be made aware of this policy at the time of admission and induction.

Monitoring, Review and Feedback

54. Effective monitoring and review of action plan is vital to ensure that the College is fulfilling its commitments and strategic objectives and is guiding students against any potential for discrimination. In order to ensure maximum effectiveness the students are encouraged to give constructive feedback and make suggestions to be discussed

in the Human Resource and Welfare Committee. The following people can be contacted to discuss concerns and new ideas:

Milan Patel – Welfare Coordinator

Email: studentwelfare@mrcollege.ac.uk

Danielle Zaidi – Welfare Assistant

Email: welfareassistant@mrcollege.ac.uk



Appendix A - Definitions

Direct Discrimination - involves the treatment of someone less favourably, in relation to one of the legally protected strands of legislation i.e. Age, Disability, Gender, Race, Religion or Belief or Sexual Orientation) compared to someone to whom that strand does not apply in the same circumstances

Indirect Discrimination - Where a criterion, provision or practice is applied which cannot be justified on grounds other than by reason of Age, Disability, Gender, Race, Religion or Belief, or Sexual Orientation) is applied to people equally but has the effect in practice of disadvantaging a higher proportion of people and that criterion, provision or practice is not a proportionate means of achieving a legitimate aim.

Harassment is any unwanted behaviour deliberate or otherwise pertaining to one of the legally protected strands of legislation i.e. Age, Disability, Gender, Race, Religion or Belief or Sexual Orientation, which is directed at an individual or group that is found to be offensive or objectionable to that individual or group because it violates dignity, creates a hostile, intimidating, degrading, humiliating or offensive environment. Such behaviour can include hostile or offensive acts or expressions by a person or group, or incitement to commit such an act. Harassment may include intentional bullying but may also be subtle or insidious.

Some examples of harassment include:

- Derogatory name-calling;
- Insults and jokes;
- Ridicule for differences;
- Deliberate exclusion from normal workplace or social events;
- Reference to an individual's Age, Disability, Gender, Race, Religion/Belief or Sexual Orientation
- Unfair allocation of work and responsibilities;
- Derogatory actions, statements, jokes, taunts or reference to an individual's Age, Disability, Gender, Race, Religion/Belief or Sexual Orientation
- Insulting behaviour or gestures, physical threats or assault;

- Incitement of others to commit to any of the above.

Incident (e.g. racist incident, sexist incident) - is one which involves any form of harassment, which can involve either verbal or physical behaviour or abuse

Victimisation - It is unlawful to treat an individual less favourably because they are known to have, or suspected of having:

- Made a complaint
- Planned to make a complaint
- Supported someone else who has made or is planning to make a Complaint

Appendix B - Legislation relating to Equality

Relevant Legislation relating to the six strands of Equality and Diversity:

- The Equal Pay Act 1970
- The Rehabilitation of Offenders Act 1974
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Asylum and Immigration Act 1996
- The Human Rights Act 1998
- The Working Time Regulations 1998
- The Employment Relations Act 1999
- Maternity and Parental Leave etc Regulations 1999
- The Race Relations Amendment Act 2000
- The Special Educational Needs Discrimination Act 2000
- Public Interest Disclosure Act 1998
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2001
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Paternity and Adoption Leave Regulations 2002
- Flexible Working (Procedural Requirements) Regulations 2002
- Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion & Belief) Regulations 2003
- The Disability Discrimination Act 2005
- The Disability Equality Duty (2006)
- The Equality Act 2010
- The Employment Equality (Age) Regulations 2006
- The Disability Duty
- The Gender Duty