



## Northern College

### Equality, Diversity and Inclusion Policy

<b>Who does the policy apply to?</b>	Students, staff, governors, visitors, agency staff, volunteers and contractors.
<b>Aims</b>	<p>To ensure equality of opportunity for everyone who learns, lives and works here.</p> <p>To ensure that employees or those working on behalf of the college do not commit unlawful acts of discrimination.</p> <p>To support the strategic objectives of the Single Equality Scheme.</p>
<b>To be read in conjunction with</b>	<p>Northern College Children &amp; Young People Safeguarding Policy</p> <p>Northern College Adults Safeguarding Policy</p> <p>Northern College Safeguarding Procedures</p> <p>Dignity at Work Policy</p> <p>Health, Safety and Welfare Policy</p> <p>Whistleblowing Policy</p> <p>Staff Disciplinary Policy</p> <p>Staff Grievance Procedure</p> <p>Student Disciplinary Procedures</p> <p>Employee Handbook</p> <p>Complaints Policy and Procedures</p>
<b>Further advice may be sought from</b>	Assistant Principal Student Experience, Head of Student Support Services, Head of Human Resources or HR team
<b>Review arrangements</b>	<p>This policy will be reviewed every three years to ensure its continuing relevance and effectiveness.</p> <p>The College may review the policy prior to this date should operational and/or legislative/guidance matters require it.</p> <p>The policy, guidance and review arrangements can be viewed on the Northern College website.</p>

#### 1. Equality and Diversity Statement

1.1. Northern College is committed to all aspects of Equality, Diversity and Inclusion (EDI) providing a positive opportunity for everyone who learns, lives and works at the College. The College places Equality, Diversity and Inclusion at the core of all its practice and understands how this impacts on all of our College community. The aim of this policy is to provide a

framework for continual review and observation and to actively strive to remove barriers to equality of opportunity and achievement, to combat conditions that place anyone at a disadvantage and help create a community in which we all feel comfortable and valued.

1.2. The work of the College to embed Equality, Diversity and Inclusion is anchored in the duties applied to the protected characteristics set out in the Equality Act 2010 to have due regard to:

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

1.3. In line with these duties the College recognises that putting Equality, Diversity and Inclusion into practice is everyone's responsibility. This policy aims to support the strategic objectives of the Single Equality Scheme. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination. The College also recognises the value of a diverse workforce and student community and the benefits this brings to work and study. Our commitment to this is reflected in our College values of 'valuing every individual' and 'being inclusive and celebrating diversity'

1.4. Striving to ensure that the learning and work environment is free of harassment, victimisation, bullying or discrimination and that everyone is treated with dignity and respect is an important aspect of ensuring equality of opportunity in the College setting. Unacceptable behaviour including but not limited to the protected characteristics covered by the Equality Act 2010 – will not be tolerated and any allegations will be taken seriously and dealt with appropriately under the relevant policies and procedures.

## **2. Scope**

2.1. This policy relates to:

- 2.1.1. the Governing Board;
- 2.1.2. Northern College staff;
- 2.1.3. Northern College students;
- 2.1.4. contractors, partners and third-party providers;
- 2.1.5. visitors and volunteers.

2.2. This policy applies to (but is not limited to) advertising of jobs, recruitment and selection, training and development, opportunities for promotion, conditions of service, reward, facilities, health and safety, conduct at work, grievance and disciplinary procedures and termination of employment (and beyond where provision of employment references are required).

2.3. Every member of staff is responsible for supporting this policy and the law. Every role has an EDI component and staff will:

- 2.3.1. apply and embed the vision and values of the policy in their work and roles;
- 2.3.2. support and enable students to follow the policy;
- 2.3.3. take appropriate and immediate action in the event of incidents of harassment and unfair discrimination and alert appropriate staff.

- 2.4. The policy scope covers admissions, teaching and learning, funding awards under the Colleges' control, learning support, facilities, health and safety, personal conduct, student references, student complaints and disciplinary procedures.
- 2.5. As a member of Northern College, students are expected to show commitment to the principles of equality, diversity and inclusion by:
  - 2.5.1. treating everyone with respect, fairness and understanding;
  - 2.5.2. abiding by the law;
  - 2.5.3. using language carefully, without swearing, saying rude, hurtful or disrespectful things about others;
  - 2.5.4. reporting any concerns, they have for themselves or others;
  - 2.5.5. resolving difficulties and disagreements amicably.
- 2.6. Regarding contractors, partners and third-party providers this policy applies to work and services provided on behalf of the Northern College. There is an expectation contractors/sub-contractors undertaking building maintenance or repair work in any of our buildings/estate to comply with this policy

### **3. Legislation**

- 3.1. The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017:
  - 3.1.1. the Equality Act 2010 also put in place a single public sector equality duty, which gives public authorities a legal responsibility to provide this protection and make decisions which are fair and transparent, including the allocation of public money;
  - 3.1.2. the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 enable public bodies to perform the Equality Duty more effectively;
  - 3.1.3. they are obliged to: publish information to demonstrate compliance with the duty imposed by section 149 (1) of The Equality Act;
  - 3.1.4. set equality objectives at least every four years which are specific and measurable.
- 3.2. Northern College recognises its compliance in respect of the following associated legislation alongside associated codes of practice:
  - 3.2.1. Employment Rights Act; 1996;
  - 3.2.2. The Human Rights Act; 1998;
  - 3.2.3. The Counter-Terrorism and Border Security Act; 2019;
  - 3.2.4. General Data Protection Regulation; 2018;
  - 3.2.5. 2014 amendments to the Rehabilitation of Offenders Act; 1974;
  - 3.2.6. Freedom of Information Act; 2000.
- 3.3. The College within the context of The Equality Act 2010 shows due regard to the protected characteristics covered by the Public Sector Equality Duty, which are:
  - 3.3.1. Age: where this is referred to, it refers to a person belonging to a particular age or range of ages.
  - 3.3.2. 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 person's ability to carry out normal day-to-day activities.
  - 3.3.3. Gender reassignment: A person who 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.
  - 3.3.4. Marriage and civil partnership: in England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

- 3.3.5. Pregnancy and maternity: pregnancy is when a woman 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, and this includes treating a woman unfavourably because she is breastfeeding.
- 3.3.6. Race: is a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
- 3.3.7. Religion or belief: Religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
- 3.3.8. Sex: A man or a woman. The word 'gender' is often used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for 'gender re-assignment' - see above) but 'sex discrimination' and 'gender discrimination' are generally interchangeable.
- 3.3.9. Sexual orientation: Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. Assumptions and perceptions of a person's sexuality are also covered by law.

#### **4. Discrimination**

- 4.1. The College recognises that there are different types of unlawful discrimination. The College will avoid all unlawful discrimination both in its employment practice and in the provision of its services.
- 4.2. Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.
- 4.3. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
- 4.4. Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- 4.5. Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- 4.6. Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership or pregnancy and maternity).
- 4.7. Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic

when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

4.8. Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

4.8.1. the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);

4.8.2. the College must be aware that the previous harassment has taken place; and it must have failed to take reasonable steps to prevent harassment from happening again.

4.9. Victimization occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

4.10. Failure to make reasonable adjustments; is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## **5. Responsibility**

5.1. The governing board carries the ultimate responsibility, under the law for ensuring Northern College meets the requirements of the Public Sector Equality Duty. Governors monitor performance and targets through committee and board reports.

5.2. The governing board designates overall responsibility to the Principal and CEO.

5.3. The Assistant Principal of Student Experience is accountable to the Principal and CEO for the production and review of the Equality, Diversity and Inclusion policy alongside the annual reporting framework.

5.4. The Head of Student Support Services is responsible for leading the Equality, Diversity and Inclusion committees alongside monitoring all data relating to EDI practice relating to students.

5.5. Every employee is required to assist the College to meet its commitment to provide equality of opportunity in relation to the provision of services and employment of individuals and the avoidance of unlawful discrimination. The policies underlying commitment apply not only whilst employees are working on the College premises, but also at the premises of any customer of the College, work-related social events, and whilst undertaking business related travel.

- 5.6. All staff have a contractual obligation to be committed to the Equality, Diversity and Inclusion Policy and be proactive in its promotion and implementation. Employees can be held personally liable as well as, or instead of, the College for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- 5.7. All students, visitors and contractors have a responsibility to comply with policy where appropriate but specifically in relation to behaviour and conduct.

**6. Northern College in its commitment to Equality, Diversity and Inclusion will:**

- challenge inequality, prejudice and discrimination and treat all individuals with dignity and respect
- promote diversity in all its aspects, including employing a workforce and recruiting students to reflect the wider communities
- provide an environment free from prejudice, harassment and discrimination
- where it is reasonable to do so make adjustments to enable equal access to Northern College resources and services ensuring that none are treated less favourably
- ensure that Equality, Diversity, and Inclusion are embedded in all Colleges policies, procedures and contracts
- work in partnership with recognised trade unions to ensure that staff are committed to the EDI principles of this policy and that it is fully effective.
- communicate to all students and staff about Northern Colleges' commitment to Equality, Diversity and Inclusion.
- ensure that staff are working to narrow achievement gaps between diverse groups of students
- ensure Equality, Diversity and Inclusion are promoted through teaching and learning, through positive statements and representative images in marketing and communications activities
- not discriminate unlawfully against students or visitors using or seeking to use facilities or services provided by the College.
- ensure that employees report any bullying or harassment by visitors, suppliers, or others to their line manager who will take appropriate action.
- ensure that any organisation that delivers services on behalf of the College aligns their work to Equality, Diversity and Inclusion
- seek to develop partnerships with external groups and organisations to develop best practice and widen the scope of diversity activities within the College
- avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- endeavour to circulate information about job opportunities as widely as possible in the circumstances to ensure that it reaches all sections of the community. In accordance with the Recruitment and Selection policy, job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job.
- the College will comply with its obligations in relation to statutory requests for contract variations. The College will also make reasonable adjustments where appropriate to its standard working practices to overcome barriers caused by disability.
- when considering changes to working practices, the College will consider any indirectly discriminatory effect of those practices.
- monitor the ethnic origin, gender, religion/belief, sexual orientation and age composition of the student cohorts, the workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will consider and take any

appropriate action to address any problems that may be identified because of the monitoring process.

- the College cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the College may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the College identifies as being under-represented in particular types of job.
- the College has a separate dignity at work policy concerning issues of bullying and harassment on any grounds, and how complaints of this type will be dealt with.
- acts of discrimination, harassment, bullying or victimisation against employees or students are disciplinary offences and will be dealt with under both the College's Dignity at Work Policy and the Student Disciplinary Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal or withdrawal of place without notice.
- staff should not discriminate against or harass a member of the public in the provision of services. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, the College is committed to continuous monitoring and evaluation in order to address any barriers that may impede disabled people from accessing a service.

## **7. Training**

- 7.1. The College will provide training in Equality and Diversity to all existing and new employees and others engaged to work at the College to help them understand their rights and responsibilities in accordance with the Equality Act (2010) and the college policies on Equality, Diversity and Inclusion policy and the Dignity at Work policy.
- 7.2. The College will consult key stakeholders learning requirements through training needs analysis arising from appraisal and evaluation of all CPD activity. Training opportunities will be available to all staff in line with the needs of their role.

## **8. British values**

- 8.1. Northern College understands its responsibilities in actively promoting British values within all its practices. The beliefs in values of democracy, freedom of expression, rule of law and respect and tolerance for those with different faiths and beliefs will underpin the culture of Northern College curriculum and operations.

## **9. The Prevent Duty**

- 9.1. The College is subject to duties within section 26 of Counter Terrorism and Security Act (2015) in exercising the function of 'having due regard' to the need to prevent individuals from being drawn into terrorism. The Government's counter terrorism strategy is known as CONTEST and Prevent is part of the strategy. CONTEST has four key principles:
  - 9.1.1. Pursue to stop terrorist attacks;
  - 9.1.2. Prevent to stop individuals from becoming radicalised into terrorism or supporting terrorism;
  - 9.1.3. Protect to strengthen protection against a terrorist attack.
  - 9.1.4. Prepare to mitigate the impact of terrorism.
- 9.2. Prevent is the pre-criminal space by which individuals are identified and supported to avoid entering the criminal space. Northern College will focus on the Prevent element and support students to understand the risks of exploitation. Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism (the

vocal or active opposition to fundamental values of rule of law, democracy, individual liberty and the mutual respect and tolerance of different faiths and beliefs).

- 9.3. The College will work with external partners to support good practice in relation to responsibility, referrals, due diligence and audit.
- 9.4. Northern College will support interfaith relationships through an internal multi-faith Chaplaincy service and externally with faith groups and Churches Together.
- 9.5. The College will monitor use of inter-faith related facilities to ensure appropriate use and management of concerns.

## **10. Monitoring, Review and Dissemination**

- 10.1. The policy and administration procedures will be reviewed annually in line with:
  - 10.1.1. national legislation and good practice guidance;
  - 10.1.2. College strategic priorities and curriculum plan;
  - 10.1.3. student feedback;
  - 10.1.4. Curriculum, Quality and Student Experience Committee approval.
- 10.2. The Equality, Diversity and Inclusion policy will be reviewed annually by the Equality, Diversity and Inclusion Committee to ensure compliance with legislation, to judge its effectiveness and will be updated in accordance with changes in the law and Prevent duties.
- 10.3. This policy will be monitored by the College through equality objectives. In particular, the College will monitor the ethnic and gender composition of the student cohort, workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will review its Equality and Diversity policy in accordance with the results shown by the monitoring.
- 10.4. Information on EDI will be disseminated via the following:
  - 10.4.1. student enrolment and induction sessions;
  - 10.4.2. staff induction, training events and staff communications;
  - 10.4.3. curriculum;
  - 10.4.4. poster campaigns and notice boards;
  - 10.4.5. open days;
  - 10.4.6. the College website/social media;
  - 10.4.7. Curriculum risk meetings;
  - 10.4.8. EDI Committee updates.
- 10.5. This policy and its underpinning procedures will be located on the College website.

## **11. Complaints**

- 11.1. All complaints from students or visitors will follow the College complaints procedure.
- 11.2. Complaints will be dealt with in the context of this policy and legislative requirements.
- 11.3. Complaints in the first instance should be made in writing to the Quality Officer at Northern College. All complaints will be treated sensitively and seriously with support where appropriate.

- 11.4. Employees who have concerns about any behaviour or action that they believe transgresses this policy should refer to the college's Grievance procedure and Dignity at Work policy or seek guidance from the college's HR team.
- 11.5. The College will take any complaint seriously and will seek to resolve any grievance that it upholds. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

## 12. Data Protection Act 2018 and GDPR (General Data Protection Rules)

- 12.1. Confidentiality and appropriate information sharing is key and Northern College expects all staff to maintain confidentiality at all times.
- 12.2. The College will only share Equality, Diversity and Inclusion data where it is part of our statutory duties as set out in our privacy notices.
- 12.3. In line with Data Protection law, Northern College will only share information which is proportionate and relevant for the protection and prevention of abuse.
- 12.4. All information held in relation to equality concerns will be held securely and in line with the Data Protection Act and GDPR for a period of seven years.
- 12.5. Northern College is a data controller in terms of the Data Protection Act and GDPR.
- 12.6. Personal information and any supporting evidence held by the College will be retained in line with the data retention schedule.

## 13. Policy sign off and ownership details

<b>Document Name:</b>	Equality and Diversity Policy
<b>Version Number:</b>	V4
<b>Effective from:</b>	December 2021
<b>Next scheduled review date:</b>	July 2024
<b>Policy owner:</b>	Assistant Principal Student Experience

## 14. Revision history

<b>Version No</b>	<b>Effective date</b>	<b>Revision description/summary of changes</b>	<b>Author</b>
V1	July 2011	Policy drafted	Sara le Roux – Personnel Manager
V2	November 2014	Policy reviewed and updated	Elin Personnel Manager
V3	January 2018	Policy reviewed and updated	Elin Longley – Head of HR
V4	November 2021	Policy revised to incorporate student activity	Diane Lawson Assistant Principal Student Experience