

POLICIES AND PROCEDURES



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EQUAL OPPORTUNITIES POLICY AND PROCEDURE

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EQUAL OPPORTUNITIES POLICY AND PROCEDURE

SECTION 1. PRINCIPLES

WLCBMS is committed to treating all employees and applicants equally regardless of race, colour, ethnic or national origin, religion, sex, sexual orientation or marital status, disability or age and ensuring that all employees and applicants have equality of opportunity.

SECTION 2. CONTEXT

The policy covers the interaction of all College employees with each other, students and other third parties both inside and outside the College premises.

Applying the Policy

This policy applies to the advertisement of jobs, recruitment and appointment to them, promotion, and training, conditions of work, pay and to every other aspect of employment. The policy also applies to the treatment and service provided to students.

Recruitment, selection and developmental decisions will be made solely on the basis of the suitability of the individual's skills and experience and ability to best do the job.

Legal Context

The Equality Act 2010 prohibits discrimination in employment or in the provision of training and education on the grounds of any of the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Staff and students are protected in all aspects of the employment, education and/or training relationship, which includes: recruitment and selection, employment terms and conditions, promotion, transfers, access to benefits, appraisal/annual review, assessment of performance, dismissal and post-termination (such as providing references).

Discrimination can occur in several different ways, as follows:

Direct discrimination

This is where one individual is treated less favourably than another, and the less favourable treatment is because of a protected characteristic they have, or are thought to have (see perception discrimination), or because they associate with someone who has a protected characteristic.

Indirect discrimination

This is where a provision, criterion or practice applies equally to everyone but has, or would have, a disproportionate impact on those people who share a protected characteristic (e.g. it is more difficult for someone to comply with a requirement because of their religion or belief).

Perception discrimination

This is direct discrimination against an individual where the person is treated less favourably than another, and the less favourable treatment is because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

Harassment

This is defined as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of either: (a) violating another person's dignity; or (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.

Victimisation

This occurs where an individual is subjected to less favourable treatment by reason of the fact that s/he has done a 'protected act' under the discrimination legislation – e.g. someone has made a complaint about discrimination on grounds of their age or sex, or helped somebody else to do so, and they are now being treated less favourably by their manager.

Positive Action

The College may take positive action in respect of access to facilities and training for specific groups who are under-represented. It would be reasonable to take action to increase applications for posts or study from a particular group of people, or provide work experience, outreach days or training programmes only for those people. These actions increase the numbers of eligible people by developing relevant skills and increasing applications from under-represented groups.

However, positive action is not the same as positive discrimination (which is prohibited), and the selection for admission to study or appointment to posts must therefore be made solely on the basis of merit.

Genuine Occupational Requirements

There are limited exemptions from liability in all the discrimination legislation. Thus where the sex, race, age, sexual orientation or religion or belief of an employee is required for the specific job he or she is required to do, that characteristic may amount to a genuine occupational requirement (GOR).

However, GORs are usually difficult to establish and anyone wishing to establish a GOR should discuss this with the Personnel Advisor before advertising the post.

Public Sector Equality Duty

As part of the Equality Act WLCBMS has a public sector equality duty which came into force in April 2011. The equality duty covers all the protected characteristics identified in

the Equality Act with the exception of marriage and civil partnership. Under the duty the College must have due regard to the need to:

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

Having 'due regard' means consciously considering the three aims listed above as part of our decision-making processes and when we are reviewing or developing policies.

SECTION 3. RESPONSIBILITIES

It is the responsibility of the Deputy Principal to ensure that the policy is carried out in practice at the College. The Deputy Principal will report periodically to the Academic Committee regarding matters concerning equality of opportunity ie. Policy review, regulatory changes etc.

SECTION 4. MONITORING

The Deputy Principal will review how the Colleges' current practice responds to the QAA recommendations to embed equality and diversity within quality cultures and student protected characteristics

To this end the College will regularly review the operation of its staff and student recruitment, staff promotion/ student assessment / Staff Training and Development / Teaching & Learning and Disability and Discrimination policies to ensure that no applicant whether employee or student is disadvantaged by conditions or requirements, which cannot be shown to be justifiable.

4.1 Applications

All employees and job applicants will be asked to complete a section on the application form denoting their ethnic origin, sexual orientation, religion and any disabilities. The College guarantees that this information will be used only for the purpose of monitoring the effectiveness of its Equal Opportunities Policy.

Employees who are disabled or become disabled in the course of their employment should advise their line manager or the Principal/Deputy Principal in writing. If applicable, they may also advise the College of any "reasonable adjustments" to employment or working conditions that would enhance their work performance. Careful consideration will be given to such written proposals where reasonable or practicable adjustments could be made. There may however be circumstances where it will not be possible for the College to accommodate the proposals.

4.2 Recruitment and Selection

The recruitment and selection processes are governed by the College's principles of non-discrimination and are designed to achieve the best match between the individual's knowledge, skills experience and character and the requirements of vacant positions, whilst recognising the need for flexibility in response to changing conditions and students with protected characteristics.

4.3 Student specific objectives relating to

The selection of students for recruitment shall be based on objective criteria related to the course requirements. The criteria used in selection shall be only those that are necessary and justifiable for the effective performance of the course and they shall be applied consistently to all applicants, i.e. the competence standards. Applicants shall not be rejected on the basis of criteria which are merely convenient as opposed to being essential for the course, as this may constitute indirect discrimination. Indirect discrimination occurs when selection criteria are used which are not strictly essential and which in practice exclude a greater proportion of one group than any other. Take account of:

- all prospective learners and learning needs in the local community and designs/adapts programmes to match them.
- provide, as far as possible, the environmental conditions and the support needed for learners to achieve success in learning
- be accessible, informed, knowledgeable, helpful and welcoming to current and prospective students.
- provide information to prospective learners, enrolled students and other agencies about the curriculum and support, which can be provided.
- ensure that those students learning through different modes of teaching i.e. Distance Learning are not advantaged or disadvantaged compared to traditionally taught students

4.4 Types of provocation specific to staff and students

It is important to remember that different people are prepared to accept different types of behaviour. A comment which one person finds acceptable may be offensive to someone else. In this regard, please be sensitive to the feelings of all colleagues. For the purpose of clarity, harassment means inappropriate conduct or conduct that is unwanted by the recipient. It may include a wide range of behaviour as listed in (b).

(a) Harassment

The College deplores all forms of harassment and seeks to ensure that the working environment is safe for employees and that if harassment occurs the impact is dealt with appropriately (Ref: 4.6). WLCBMS operates a zero tolerance policy regarding harassment of any kind in the work place. Such conduct or behaviour is not permitted or

condoned and all employees must complain should they feel uncomfortable or threatened in any manner whatsoever.

(b) Bullying

As with harassment, bullying is defined largely by the impact of the behaviour on the recipient, not its intention. Bullying is defined as persistent actions, criticism or personal abuse, which humiliates, intimidates or undermines the status of an individual. Bullying can be the abuse of power by a senior staff person or the intimidation of a colleague by another employee and can take various forms including:

- verbal abuse
- intimidating or aggressive behaviour
- teasing or humiliation
- imposing unrealistic targets
- unfair and excessive criticism, possibly in front of colleagues
- isolating or openly ignoring someone
- physical abuse
- taking credit for the initiatives and achievements of others
- sending abusive or intimidating messages in writing or by email
- subjecting someone to insults or ridicule because of their gender / sexual orientation / race / culture / disability / religion
- making jokes based on someone's sex / sexual orientation / race / culture / disability religion
- basing decisions affecting an employee's career on their willingness or refusal to respond to the sexual advances of a colleague / student / service provider
- making offensive comments, such as lewd, suggestive or over familiar comments regarding race / sexual orientation / religion or the display or circulation of sexually suggestive material
- unwanted physical contact / sexual advances
- zero tolerance towards staff or students who un-wilfully impose ideologies that may support terrorist acts

4.5 Discipline

The perpetrator of any proven instance of discrimination or harassment will be subject to the College's disciplinary procedure. In serious cases, such behaviour will be deemed

to constitute gross misconduct and as such, in the absence of mitigating circumstances, will result in dismissal.

4.6 Grievances

If at any time, you feel that you have been treated inappropriately or less favourably than others, you may use the Harassment Procedure for submitting a complaint to the Principal

4.7 Confidentiality

The College has a duty to investigate fully every allegation. All investigations will be handled with care and sensitivity and will remain, to the greatest extent possible, confidential.

SECTION 5. PROCEDURE FOR MAKING A COMPLAINT

5.1 Employees

Employees who feel that they have been harassed or bullied or placed in a position where they are likely to be harassed or bullied and who wish to make a formal complaint should raise their concerns in writing with their Principal. The matter will be dealt with sensitively.

Initially, if you are a victim of harassment you should make it clear to the harasser, on an informal basis, that their behaviour is unwelcome and ask them to stop.

You should make your complaint in writing and where possible you should keep identifying notes of the incidents so that your complaint can include:

- the name of the alleged harasser
- the nature of the alleged harassment the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action taken by you to stop the alleged harassment

Once the complaint has been received by the Principal an investigation will be made under grievance procedure or complaint procedure. When concluded, the College will formally write to the complainant outlining fully their decision. If an investigation reveals that the complaint is valid, appropriate action will be taken against the offending party. Such measures are designed to put an immediate stop to the harassment and bullying as well as to prevent their recurrence. The College reserves the right to take whatever disciplinary action it deems appropriate under the circumstances, including warning the harasser, suspension or termination of their contract. Employees who bring a complaint will be protected against victimisation or retaliation. (Ref: SECTION 7 Whistleblowing Policy)

5.2 Informal Discussions

If you do not wish to make a formal complaint or are undecided as to whether you wish to make a formal complaint, you may raise the matter on an informal basis, and in the strictest confidence, with the Principal.

5.3 Student Complaints

Follow student complaints procedures stages 1 & 2 (Ref: Section 7 .4)

SECTION 6. COMPLIANCE & QUALITY ASSURANCE

In line with the QAA quality framework WLCBMS will ensure that they provide and promote a high quality learning and working environment, positive student engagement and a quality culture for students with protected characteristics based on the principles of equality, fairness and inclusion. These cover protected characteristics of disability, gender and race. It also considers the level of understanding that students and staff have of their accountability.

Equality and diversity is explicit in performance indicators and is embedded within WLCBMS Self Evaluation and the Quality Manual. It will redress participation conformity in particularly those with differentiated protected characteristics.

SECTION 7. RELATED DOCUMENTS

1. Disability Discrimination Policy (WLCBMS 005)
2. Health & Safety Policy (WLCBMS 007)
3. Whistleblowing Policy (WLCBMS 033)
4. Student Complaints Policy & Procedures (WLCBMS 018)
5. Student Welfare & Career Guidance Policy (WLCBMS 020)
6. Equality Act 2010