



## SINGLE EQUALITY SCHEME 2022/2023

**Please note that the Equality Scheme incorporates the College's existing equality and diversity policies into one document. The Equality Scheme is designed to provide the framework and context to address the statutory duties introduced by the following legislation; The Equality Act 2010.**

The primary purpose of the Act is to consolidate the complicated and numerous range of Acts and Regulations, which formed the basis of anti-discrimination law in Great Britain. This was, primarily, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and three major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age.

The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The belief in equality, diversity and inclusion underpins and impacts on all areas of activity and influences how the College works. The College has due regard to the need to: Eliminate unlawful discrimination; Advance equality of opportunity between people who share protected characteristics and those who do not share it; Foster good relations between people who share protected characteristics and those who do not.

This scheme is to be read and applied in conjunction with the following:-

- The Equality, Diversity and Inclusion Action Plan

### **Abbreviations used within the Scheme**

Single Equality Scheme	SES
Equality, Diversity and Inclusion	EDI
Equality, Diversity and Inclusion Group	EDIG
Director of HR & Professional Development	DoHR&PD
Senior Leadership Team	SLT

### **The HENLEY College commitment**

The College is committed to achieving an educational environment and vocational training environment which actively promotes equality of opportunity and freedom from discrimination on grounds of age, class, course, subject or training area, cultural or ethnic origin, disability, gender, marital status, nationality, religion, belief and sexual orientation in every aspect of College life and associated training activities. The College will seek to treat all those for whom it has responsibility, with respect and dignity and seek to provide a positive working and learning environment, free from discrimination, harassment or victimisation. The College will respect and seek to fully utilise and develop the diverse skills, talents and experiences of all its staff and students.

The College is also committed to removing inappropriate barriers to access, achievement and progression and eliminating any discrimination in relation to staff and students; valuing and celebrating the diversity and differences of everyone studying and working at the College; ensuring that all students, staff and visitors can go about their business in an atmosphere free from intimidation or abuse; widening participation to the full range of courses and other educational services for people from all social backgrounds and cultures; providing support to enable individual students of different abilities and needs to progress through the curriculum towards successful achievement; recognising and reflecting the positive contributions of all genders from different social backgrounds, cultures, religions, abilities, ages and sexual orientation.

### **Management and Monitoring of the Single Equality Scheme**

- a) The Equality, Diversity and Inclusion Group (EDIG) will review the Scheme and its effectiveness annually.
- b) The Director of Human Resources and Professional Development (DoHR&PD) will provide an annual report, together with an action plan, to the Governing body. This report will also be discussed and approved by the Senior Leadership Team (SLT).
- c) The college's register of identified risks will include controls to ensure the SES procedures are being effectively implemented.
- d) The College monitors its staff and students in accordance with OFSTED requirements. Key performance indicators will include:
  - i. Ethnicity, gender and disability profile of College staff;
  - ii. Ethnicity, gender, disability and postcode profile of learners;
  - iii. Student success rates -achievement and retention by gender, disability and race;
  - iv. Disciplinary figures, especially suspensions and exclusions, by gender, race and disability
  - v. Numbers of complaints or grievances of harassment and discrimination by gender, disability and race;

*Disability and Ethnicity Disclosure - it should be noted that this data is collected solely on the basis of self-declaration and whilst the College makes every effort to encourage such disclosure we may not have an accurate disability and ethnicity profile.*



## **Ensuring compliance and quality of provision**

The College will ensure that:

- a. Governors, staff, students, and stakeholders are aware of our SES and of the value placed on equality of opportunity and diversity and that disciplinary action will be taken in the event of any proven breach of these policies.
- b. Governors and staff have access to all non-confidential information and reports, which will assist them to plan, implement and monitor actions to carry out their responsibilities under the scheme.
- c. The College publicity materials present accessible, appropriate and positive images that support these provisions and will endeavour to reach all sections of the community.
- d. Schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of diversity. Measures of quality assurance for tutorial material valuing diversity will take place.
- e. Care will be taken to ensure that disabled students and those from under-represented groups or from groups who may have experienced unlawful or unfair discrimination, have access to appropriate support and facilities. The College will take all possible practicable steps to enable full participation by people with learning difficulties and disabilities in all aspects of College life; the design and provision of access and facilities will be given a high priority.
- f. The College will endeavour to encourage applications from under-represented groups.
- g. Any learning and support needs will be identified, where declared, at the admissions stage, and provision planned in advance.
- h. Recruitment, selection and promotion procedures are designed to enable people from under-represented and disadvantaged groups to fully participate in the process.
- i. The College commitment to EDI will be reflected in the recruitment and selection process and at interview candidates commitment to inclusiveness will be a consideration in the selection process.
- j. Staff development schemes are designed to raise awareness and effectively meet the learning needs of all staff, including disadvantaged and under-represented groups.
- k. Action is taken to ensure that individuals will be treated equally and fairly and that decisions on pay, training, career management and selection for termination of employment are based solely on objective, non-discriminatory criteria.
- l. Assessment and internal verification procedures include analysis of racial groups, gender and disability issues, where appropriate.
- m. Curriculum areas are required to assess performance in relation to racial, gender and disability issues and take action as appropriate.
- n. Positive action will be considered, where appropriate, on the recruitment and promotion of staff, based upon the analysis of racial, gender and disability monitoring information.

## **Ownership for the Single Equality Scheme**

All employees and learners of the College have a responsibility for implementing the Equality Scheme and promoting equality, diversity and inclusion in all aspects of their work.

- The College Governors, assisted by the Corporation Secretary, are legally responsible for overseeing the SES on behalf of the Corporation and for ensuring that the SES is effectively monitored and applied and to ensure and continuously improve the quality of EDI throughout the College.
- The Principal is responsible to the College Corporation for ensuring that EDI remains a high profile agenda item in all business and activities of the College.
- The Deputy Principal is responsible for (i) ensuring that the scheme is continuously promoted and comprehensively implemented in all aspects of the College's operations (ii) for promoting, monitoring and implementing of the Equality Scheme with regard to teaching, learning and quality, including the provision of statistics of students.
- The members of the EDIG are responsible for promoting, monitoring and reviewing the SES and for evaluating its effectiveness.
- The DoHR&PD who is the chair of the EDIG and is responsible for promoting, monitoring and implementing aspects of the Equality Scheme relating to the employment of staff, will co-ordinate staff complaints relating to the scheme, will make available relevant statistics according to age, disability, gender and race and will ensure that staff interviews are carried out in accordance with the Scheme.
- Heads of Section ensure that the Scheme is promoted and delivered within their area.
- The Heads of Faculties ensure that the curriculum within their faculty is delivered according to the Scheme; that interviews are carried out and student complaints handled in accordance with the Scheme.
- All Programme Leaders/Managers in the College are responsible for promoting the Equality Scheme, for improving the equality and diversity performance of their individual curriculum areas and for ensuring that effective monitoring and review systems are in place. The curriculum and materials will be reviewed to ensure that equality and diversity are reflected positively.
- Lead Tutors will promote the implementation of the Scheme through tutorial and will monitor the effectiveness of its delivery. Personal tutors will ensure that their students are aware of the implications of the Scheme and include equality and diversity issues in tutorials.
- The Quality Manager will identify where possible benchmarks, standards and targets for equality and diversity and ensure that surveys of students' views are analysed according to relevant criteria.
- Students and Trade Union Officers will take appropriate action on issues relating to Equality and Diversity raised by members and inform College management as appropriate.
- Outside contractors working in the college have a responsibility for complying with the SES.
- Employers responsible for work-based students are responsible for complying with the College's SES.



## Division of Responsibilities to address the statutory duties of the Single Equality Scheme and the Equality Act 2010

The College has specific duties under the Equality Act to build equality targets into Strategic Plans; collect data to monitor the admission and progress of students and the appointment, training and development of staff and use the data to inform planning and decision-making, and to set targets; to annually review, consult, monitor, and assess our policies and strategies, to see how effective they are in tackling discrimination, and promoting equality and good relations; to build equality questions into our self-review and evaluation frameworks and use the results of reviews and assessments to inform all our planning and decision-making;

- **The Corporation** is responsible for ensuring that the College is compliant with the Act and meets all its duties and that equality policy procedures are followed. The Corporation will attempt to ensure that those who share protected characteristics are represented on the corporation.
- **The Principal** is responsible for setting targets, as relevant, in Strategic Plans; giving a consistent and high-profile lead on equality issues; promoting the SES inside and outside the College; and ensuring that all equality policies and procedures are followed.
- **The Senior Leadership Team** is responsible for assessing the College's monitoring information to evaluate the progress it is making towards meeting its equality targets and aims. These assessments will help the College to (i) review how effective its current targets and aims are; (ii) decide what more they can do to improve the recruitment and progression of staff from the different protected characteristics and set targets in relevant Strategic Plans
- **Heads of Faculties and Heads of Sections** are responsible for putting the policy and its strategies and procedures into practice; achieving Strategic Plan targets, as applicable; ensuring that all students know their responsibilities and are supported in this by staff; following the relevant procedures and taking action against students who discriminate for any reason.
- **The Equality, Diversity and Inclusion Group** will monitor the effectiveness of the SES in relation to the Equality Act 201.
- **The Deputy Principal and Heads of Faculties** will be responsible for dealing with equality incidents involving students.
- **The Director of HR and Professional Development**, together with the **Heads of Faculties**, will be responsible for dealing with equality incidents involving staff.
- **All staff** are responsible for
  - dealing with equality incidents
  - being able to recognise and tackle bias and stereotyping
  - promoting equality and good relations
  - avoiding discrimination against anyone for any reason
  - keeping up-to-date with equality law
  - taking up training and learning opportunities.
- **All contractors and providers of services** are responsible for following the policies within the SES and any equality conditions in contracts or agreements.

- **Breaches of the Policy**

The Student and Staff Disciplinary policy, as relevant, will be followed for breaches of the SES and Equality Policies and Procedures.

Managers are responsible for ensuring that they are aware of the College's statutory duties in relation to legislation. All aspects of college policy and activity are sensitive to issues in relation to equality.

### **Equality Impact Assessments**

It is important to understand whether our services are meeting everyone's needs and that people who need our services have access to them. The College therefore readily accepts its duty to carry out impact assessments across a range of equality concepts and requirements as necessary.

### **Publicity**

The College will publish its Single Equality Scheme to learners, staff and other stakeholders with reference to the Scheme in the full and part-time prospectus, the college website Staff Shared Drive and Learnzone areas. The staff and student induction programme will include the College's commitment to Equal Opportunities for all staff and students

### **Complaints**

- a) The College will seek to provide a supportive environment for those who make claims of discrimination or harassment. Acts of racial, gender, disability, age, sexual orientation, religion or belief discrimination (direct or indirect), harassment, bullying, victimisation or abuse will be treated as a serious disciplinary offence.
- b) Staff who feel they are being harassed or bullied or discriminated against on these grounds by other members of staff should raise the matter under the College's Grievance or Harassment and Bullying policies and procedures.
- c) Students who feel they are being harassed or bullied on these grounds should raise the matter first with their Personal Tutor.
- d) If, in the course of their work, College staff suffer discrimination from members of the public, the College will take appropriate action and provide appropriate support. Any discriminatory behaviour related to race, gender or disability, age, religion or belief or sexual orientation directed against staff by learners will be dealt with under the student disciplinary procedures.
- e) Students/staff who wish to make a complaint about an issue or matter pertaining to equality should pursue this in accordance with the student complaints procedure or the staff grievance procedure.

### **Discrimination/Harassment/Bullying**

**Discrimination** is the exertion of power or influence to the detriment of another individual or group because of their race, gender, disability (physical or mental impairment), age, sexual orientation, class or religion, family circumstances or political beliefs.

**Direct discrimination** is the treatment of a person of one group less favourably than others of another group in the same or similar circumstances.

**Indirect discrimination** is the application of a condition equal in an overt sense but covertly discriminatory in its effect on one particular group or individual.



**Harassment** is any unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment or any acts which affect a person's safety or comfort which demean that person in any way.

**Harassment may be:**

- Physical: involving direct contact, assault or gestures; intimidation; or aggressive behaviour;
- Verbal: including unwelcome and thoughtless remarks, suggestions and propositions; malicious gossip; or jokes and banter involving sexual, racial, religious and other discriminatory forms of innuendo;
- Non-verbal: including offensive writing, literature or pictures, graffiti and computer imagery; or deliberate exclusion from social activities.

**Sexual harassment** is defined in law and includes:

- Comments about the way a person looks which they find demeaning;
- Indecent remarks;
- Questions about another person's sex life;
- Sexual demands by a member of own or the opposite sex;
- Any conduct of a sexual nature which creates an intimidating, hostile or humiliating working environment for anyone; this includes displays of pornography and Internet downloading of offensive material at work or work placements.

**Bullying** is defined as offensive, humiliating, undermining or intimidating behaviour towards an individual or groups of staff, usually amounting to an abuse of power, but which is not defined as a type of discrimination under a range of equality laws.

Bullying may take many forms, including:

- Persistent criticism
- Setting objectives with impossible deadlines or unachievable tasks
- Ignoring or ostracising an individual
- Removing areas of responsibility and substituting menial or trivial tasks
- Constantly undervaluing effort
- Spreading malicious rumours
- Taking credit for other people's work or ideas
- Overbearing or threatening behaviour which intimates future violence
- Actual violence, pushing, using the body to prevent a person's movement or progress.

These lists are not exhaustive. The Anti-Bullying & Harassment policies and procedures for staff and students detail the steps which should be followed if an individual feels they have been harassed or bullied. The College views bullying as a serious matter and one that could warrant severe disciplinary action. The intention is to create a College environment where bullying is unlikely and where, if it does occur, the person being bullied will feel able to seek help and allow action to be taken early to avoid serious incidents developing. This matter will also be raised at other times in other contexts at appropriate opportunities.

- a) Reference to bullying will be placed in the Student Handbook
- b) The College will work with the Students' Union to publicise within the student body the unacceptability of bullying, intimidation and harassment.
- c) Members of staff approached by an individual who is being bullied should respect the confidence of the student. If members of staff judge the student or other people to be at risk they should consult the designated senior member of staff in charge of safeguarding.

- d) Any member of the College community who suspects that an individual(s) is being bullied should report this suspicion to the appropriate Lead Tutor. Lead Tutors will investigate any reports of bullying and will ensure that evidence is gathered and recorded as soon as possible, and involve parents/guardians where appropriate.
- e) Bullying is regarded as a serious matter and one that might justify the suspension of the perpetrator. If, in the opinion of the Head of Faculty, suspension is warranted the terms of the suspension will include the provision for expulsion if the perpetrator continues to intimidate the victim(s). If the perpetrator is a 14-16 year old student and in the opinion of the College 14-16 Co-ordinator, suspension is warranted, the terms of the suspension will include the provision for expulsion if the perpetrator continues to intimidate the victim(s). The College will consult with the relevant Partner School regarding this. The Partner School of any student implicated in bullying another will apply its own anti-bullying policy and procedures.
- f) Victims of bullying will be informed of the services offered by a Student Counsellor and encouraged to make an appointment to see her/him.
- g) Any student implicated in bullying another may be advised to arrange an appointment to see a Student Counsellor.

#### **RACE AND ETHNICITY**

- a) The College celebrates and values the diversity brought by engaging staff from a variety of racial, ethnic and cultural backgrounds. The College recognises the benefit that it brings in allowing it to meet the needs of our diverse student population within a multi-cultural society. The College will treat all employees and students with respect and dignity, and seek to provide a positive working and learning environment free from racial discrimination, harassment or victimisation.
- b) The terminology 'race' and 'racial group' reflects the law and refers to ethnicity, nationality, national origin, skin colour, or 'perceived race' in cases of discrimination.
- c) The College will seek not only to eliminate discrimination, but also to meet the requirements of any legislation by creating a working and learning environment based on positive relations between different racial groups.
- d) The College aims to create a positive inclusive ethos where issues of racism, stereotyping and discrimination can be discussed openly, with a shared commitment to challenging and preventing racism and discrimination, respecting diversity and difference, and encouraging good relations between different racial groups.
- e) The College will work towards the elimination of racism whether overt, covert or by omission, and will ensure that individuals and communities have wherever possible equal access to our learning programmes and facilities.

The College has a general duty to have due regard to the need to eliminate any unlawful race discrimination and promote equality of opportunity. The College is committed to actively tackling any racial discrimination, and promoting equal opportunities and good race relations;



## **Division of Responsibilities**

The Corporation is responsible for:

- ensuring that the College stays within the Race Relations Act and meets all its duties,
- ensuring that the Race Equality policy and its procedures are followed.
- to ensure that ethnic minorities are represented on the corporation

The Principal is responsible for:

- setting targets, as relevant, in Strategic Plans;
- giving a consistent and high-profile lead on race equality issues;
- promoting the Race Equality policy inside and outside the College; and
- ensuring that the Race Equality policy and its procedures are followed.

The Senior Leadership Team is responsible for:

- Assessing the College's monitoring information to evaluate the progress it is making towards meeting its race equality targets and aims. These assessments will help the College to:
  - i. review how effective its current targets and aims are;
  - ii. decide what more they can do to improve the recruitment and progression of staff from different racial groups and set targets in relevant Strategic Plans

Heads of Faculties and Heads of Sections are responsible for:

- putting the policy and its strategies and procedures into practice;
- achieving Strategic Plan targets, as applicable;
- ensuring that all students know their responsibilities and are supported in this by staff;
- following the relevant procedures and taking action against students who discriminate for reasons for race, colour, nationality, or ethnic or national origins.

All staff are responsible for:

- dealing with racist incidents, and being able to recognise and tackle racial bias and stereotyping;
- promoting race equality and good race relations, and avoiding discrimination against anyone for reasons of race, colour, nationality or ethnic or national origin; and
- keeping up-to-date with the law on race relations, and taking up training and learning opportunities.

All contractors and providers of services are responsible for:

- following the race equality policy and any race equality conditions in contracts or agreements.
- The Equality, Diversity and Inclusion Group will monitor the effectiveness of the Race Equality policy and report to the Governors.
- The Deputy Principal/Heads of Faculties will be responsible for dealing with racist incidents involving students
- The Director of HR and Professional Development, together with the Heads of Faculties, will be responsible for dealing with racist incidents involving staff.

## **Breaches of the Policy**

The Student and Staff Disciplinary policy, as relevant, will be followed for breaches of the policy.

## **GENDER**

The College is committed to Gender Equality and to ensure that men, women, transgender and transsexual persons receive fair and equal treatment. The College aims to provide a service that, in its teaching, employment, administration and support actively strives to: Eliminate unlawful gender discrimination; Eliminate harassment based on gender differences; Promote positive attitudes towards individuals of all genders; Promote equality of opportunity between men, women, transgender and transsexuals; Ensure that all employment and support requirements connected with pregnancy, care for children and family life are given close scrutiny to ensure fairness for all; Take steps to identify any shortfalls in our policies and practices which may inadvertently lead to gender inequalities.

- a) The College encourages and values the diversity brought to the workforce by individuals. It believes that the College will benefit from engaging staff at all levels of responsibility, and across all areas of work regardless of their sexual orientation, thus helping to provide positive role models for students of different sexualities.
- b) The College will seek not only to eliminate discrimination on the grounds of sexual orientation, but also to create a positive working environment based on professional working relations between all employees. The aim is to create a positive, inclusive ethos with a shared commitment to challenging and preventing stereotyping, prejudice and discrimination, to respecting diversity and difference and to encouraging good working relations between heterosexual, lesbian, gay and bisexual people within the College.
- c) The College will:
  - Work actively to create a supportive and inclusive environment for all that enables full participation and success in learning and employment and will positively challenge discrimination in every area of College life. The College will not allow sexual harassment or unfavourable treatment in any form.
  - Recognise that people are sometimes treated unfairly in terms of education, training and employment because of their gender. The College aims to positively encourage students into non-traditional areas of study and work to minimise gender stereotyping.
  - Not tolerate discrimination on the grounds of gender re-assignment towards either trans-gendered or transsexual people.
  - Strongly challenge through the College disciplinary procedures any incidents of sexual harassment in any area of College life. Homophobic abuse and propaganda are serious disciplinary offences, and will be dealt with under the appropriate procedure.
  - Provide a supportive environment for staff and students who wish it to be known that they are lesbian, gay or bisexual. However, it is the right of the individuals to choose whether they wish to be open about their sexuality in the College. To 'out' someone without their permission is a form of harassment, and will be treated as such.
  - Include lesbian, gay, bisexual and transgender issues in equality training. Welcome lesbian, gay and bisexual staff and student groups. Ensure where practicable that working hours adjustments are in place to meet caring responsibilities.
  - Ensure that staff who are pregnant and those with caring responsibilities are treated in accordance with the laws which cover their rights to time off.



- Consult with those who are expecting or have children or family responsibilities and other employees and service users to ensure that college policies and procedures are fair to all.

### **Confidentiality**

The College recognises that because of the existence of heterosexism and homophobia, confidentiality is a major issue for some lesbians, gay men, bisexuals and trans people. The College aims to create an environment in which staff feel safe to be 'out at work'. However, until this is achieved the DoHR&PD is nominated as the member of staff in HR to whom lesbian, gay, bisexual and transgender staff can go, who is appropriately trained and where confidentiality will be maintained.

Areas to be covered by the named person include –

- the opportunity to raise complaints and talk them through confidentially. Any further action will be addressed through the relevant College policy or procedure.
- confidential handling of special leave;
- confidential managing of partner benefits, etc.

### **TRANSGENDER EQUALITY**

- a) This policy has been developed to enable the College to meet its legal obligations under the Sex Discrimination Act (1975), the Sex Discrimination (Gender Reassignment) Regulations (1999) and the Gender Recognition Act (2004).
- b) The Sex Discrimination (Gender Reassignment) Regulations state clearly that no one should suffer discrimination at work on the basis of gender reassignment. Trans people are protected from direct and indirect discrimination and from harassment on the basis of their gender identity.
- c) The Gender Recognition Act outlines a process by which trans people can apply for formal recognition that they have changed gender. For example, if successful in achieving recognition, they can obtain a new birth certificate.

### **Our Commitment**

The College recognises that there are possible differences between physical sex and gender identity. The College will at no time discriminate against people on the grounds of transvestitism, transexualism, intersex conditions or any process of gender re-assignment, begun or complete. 'Gender identity', covers both the fixed identity of people living in the gender of their birth, and the more fluid identities of many trans people. The College values the diversity of its workforce, and believes that the College will benefit from employing trans people at all levels of responsibility, thus hoping to provide role models for students who identify as trans.

The Gender Recognition Act 2004 gives legal recognition in their acquired gender to transsexual people who satisfy the Gender Recognition Panel (a judicial body of lawyers and doctors) that they have or have had gender dysphoria; have lived in the acquired gender for two years prior to the application; and intend to live permanently in the acquired gender. The panel or the Secretary of State can also apply for medical evidence, marital status and other information, which must be given for an application to be successful. Following a successful application, a transsexual person will acquire the rights and responsibilities of their acquired gender from the date of recognition. The wide range of other legislative provision which relates to

gender identity, includes the Employment Rights Act 1996; the Human Rights Act 1998; the Pensions Act 1995; the Protection from Harassment Act 1997.

### **Ensuring Equality for Trans People**

- a) The College is committed to creating an environment in which everyone is treated equally and with respect. The College will aim to eliminate trans discrimination in its structures and employment practices as well as encouraging change in individual behaviour and attitudes, and ensure equality of opportunity and treatment for all staff and students.
- b) Trans abuse, harassment or bullying (e.g. name-calling, derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) are serious disciplinary offences, and should be dealt with under the appropriate procedure.
- c) Anti-trans propaganda in the form of written materials, graffiti, music or speeches will not be tolerated. The College undertakes to remove any such propaganda whenever it appears on the premises.
- d) The College recognises that there may be a continued need for trans people to access medical treatment, which may include periods away from work. The College will ensure that provision will be made to facilitate the employee through the stages of gender reassignment, subject to business needs. It accepts the need to undertake special measures to ensure genuine equality of access for trans staff
- e) The College recognises that stereotyped gender roles can be harmful to trans people, who may feel constrained to behave in ways or work areas that are traditionally considered appropriate for their registered sex at birth (or appropriate for their role after gender transition). Encouragement and support will be given to employees who are trying to step outside the constraints of stereotypes in any area of the College's work.

### **Provision for Adjustment of Records and Issues of Support and Duty of Care for Trans People**

- a) The College will respect any request for anonymity, and will seek to update its records to include the chosen name and sex identified by the individual at an appropriate time.
- b) The College will discuss support for staff returning after a break caused by medical and surgical treatment.
- c) For employees with significant medical and surgical treatment returning to work after an absence due to the above, the College will treat sympathetically requests to job share, or to move from a full-time to a part-time contract for a specified period if this is compatible with business needs.
- d) The College, when producing timetables for teaching staff or work patterns for support staff, will aim to adopt a flexible approach which endeavours, whenever possible, to meet the individual needs of staff with medical and surgical treatment recuperation if this is compatible with business needs.
- e) The College will ensure that records of trans employees will not refer to a previous name, and any records made prior to a change of name or gender change will be updated once a Gender Recognition certificate has been received by the College.



## Transition

- a) The College is aware that for those trans people who wish to undergo full gender transition, there will be a long and difficult process during which they have to live their lives under medical supervision. The College recognizes that this process may be exceptionally difficult for the employee or student concerned, and will endeavour to honour any reasonable requests to make the process easier for the employee or student involved.
- b) Any employee who has taken the decision to go through the transition process can request a meeting with the DoHR&PD and, if wished, may be accompanied by a representative of a recognised trade union or a workplace colleague.
- c) A student who has taken the decision to go through the transition process should request a meeting with the relevant Head of Faculty and if the student is under 18 the parents should be involved in any future discussions and arrangements.
- d) The transitioning employee may then request a second meeting with their Head of Faculty/Section; a member of the EDIG; or the DoHR&PD, if wished, may be accompanied by a representative of a recognised trade union or a workplace colleague.
- e) Prior to this second meeting, if wished, all those invited will be sent information about trans issues (such as ECU, Employing Transsexual people in Higher Education, or the publications of the Gender Identity and Research and Education Society or Press for Change or Gender Reassignment – A Guide for Employers).
- f) At this second meeting, or afterwards, the employee going through the transition process should make available to any colleagues who need to know the details of appointments and the dates of hormonal or surgical treatment, if they are planning to go through these processes.
- g) Those involved in the first or second meeting may want to discuss (on this occasion or subsequently) access to toilet facilities.
  - i. The DoHR&PD should agree the point at which the use of facilities such as changing rooms and toilets should change from one sex to the other. This may be, for example, the point at which the individual begins to present permanently in the sex to which they identify.
  - ii. As it is not acceptable to treat a transsexual person as though they have a third sex, ie neither male nor female, it is therefore not acceptable to insist on a transsexual employee using separate facilities in the long term, for example an accessible toilet for disabled people.
  - iii. A transsexual employee will be granted access to 'men only' or 'women only' areas according to the sex in which they permanently present. Under no circumstances, after transitioning and having shown the DoHR&PD their Gender Recognition Certificate, should they be expected to use the facilities of their former gender.
- h) For a student the Head of Faculty will have the discussions outlined in (g) above
- i) The employee may also discuss identification passes, library cards, contact details, email addresses, formal records, website references, or any other relevant matter with the DoHR&PD or Personnel Manager.

- j) For a student the same appropriate issues in (i) above will be discussed with the Head of Faculty.
- k) Any employee who is going through the transition process will receive the same level of support from management as any other colleague. Any reasonable requests for time off or alternative duties will be noted, discussed seriously and complied with if they are compatible with business interests.
- l) While all trans people may expect to have any requests treated in utmost confidence, the College reaffirms its commitment to respond in confidence to any requests made by transitioning staff. The employee's permission will be required before their status is discussed with any third party.
- m) The College will not penalise any employee for failing to make their trans or transitioning status known to colleagues or personnel, or for any delays in making this information known. Conversely, the employee transitioning must appreciate that they cannot expect the College to make reasonable adjustments on their behalf if the College is unaware of their status.
- n) The employee undergoing transition will be entitled to choose a date at which they expect College records to be changed. It may be the day after the first or second meeting, it may be after they begin transitioning or after surgery, or after the receipt of a Gender Recognition Certificate, or any other time. Following their request, all College records will be changed (personnel files, pay roll details, paper files, material held as a paper or electronic database). No changes will be made without prior request and no reasonable requests will be turned down.
- o) For a student the appropriate records will be changed at an agreed date.
- p) The transitioning employee will have the right to request a meeting with staff in their area of work at which their status as a transitioning person is explained. At this meeting the DoHR&PD will express his or her support for the employee concerned. The transitioning employee may choose if they wish to answer questions from other members of staff.
- q) If such a meeting takes place, then all those involved will be bound by the rules of confidentiality given above. The status of the employee undergoing transition will not be discussed with any third party without the prior consent of the employee who is changing gender.
- r) Following the date chosen by the transitioning employee, and after sight of the Gender Recognition Certificate by the DoHR&PD, any remaining information will be changed to reflect their new gender identity. All relevant information will be changed (Staff lists, organisational charts, etc.) The name of the employee who has undergone transition will not be inappropriately withheld from any list as omission can be embarrassing.
- s) The College will recognize all medical documents produced by any medical practitioner relating to the transition.
- t) All Gender Recognition Certificates will be honoured.
- u) No trans person will suffer discrimination at any stage in the interview process, or for selection for promotion, or at any other time.
- v) While the College will deal sympathetically and speedily with any reports of bullying and harassment against any member of staff, irrespective of gender identity, this commitment is reaffirmed for trans staff and students, including those undergoing transition.



## **DISABILITY**

Disability in this document refers to:

- (i) A person or persons with a learning difficulty or disability and or a physical disability
- (ii) A person or persons with a mental health problem.

The College affirms that individuals with disabilities are entitled to the same equal rights, responsibilities and opportunities as individuals without disabilities and will fulfil its requirements under the Disability Discrimination Act. The College is committed to making any reasonable adjustments that will promote equal access and opportunities for students, staff and members of the public with disabilities/or learning disabilities using college facilities.

The College will:

- i. Develop an organisational approach which promotes equality of opportunity between people with disabilities and other persons;
- ii. Eliminate discrimination which is unlawful under the Disability Discrimination Act;
- iii. Eliminate harassment of people with disabilities which is related to their disabilities;
- iv. Promote positive attitudes towards people with disabilities and encourage participation by people with disabilities;
- v. Take steps to take account of a person's disabilities, and make considerations into whether this would involve treating people with disabilities more favourably than other persons;
- vi. Identify students at interview, enrolment, induction or throughout the course who need additional support
- vii. Provide all students with a diagnostic assessment on entry to identify any additional support needed.
- viii. Ensure that all students and employees have appropriate opportunities to disclose their disabilities/learning difficulties throughout their time at the college;
- ix. Ensure that students have access to flexible and inclusive learning opportunities and that information on support is available;
- x. Provide students with individual learning programmes;
- xi. Ensure that staff and students with disabilities and/or difficulties have access to specialist equipment and technology where appropriate to allow equality of opportunity;
- xii. Provide information in a variety of formats to ensure equal access;
- xiii. Maintain links with external agencies to ensure the provision of appropriate and effective support for staff and students with disabilities and/or learning difficulties;
- xiv. Ensure that where appropriate, its services and facilities are open to the public and that members of the public have equal treatment when accessing them.

## **OUR COMMITMENT**

The College celebrates and values the diversity brought to its workforce by individuals. It believes that the College will benefit from employing both people with and without disabilities at all levels of responsibility, and across all areas of work. This will also provide role models for a variety of students in whatever area of the curriculum interests them. The College is committed to equality of treatment for all employees regardless of whether they have a disability. The College will work towards the elimination of prejudice and discrimination, whether overt or covert, and will seek to ensure that all staff have equal access to the full range of college

facilities. Most of the detail of this policy is related to those staff who have declared a disability. Where staff have not declared a disability, but the College as employer could reasonably have been expected to know of the existence of a disability, the College will seek to fulfil its duty of care towards them. Where information is divulged in confidence, every attempt will be made to respect this. The College will consider recommendations made after an assessment carried out under the Access to Work Scheme, and will consider its contributions towards the cost of providing the recommended reasonable adjustments. The Access to Work Scheme is run by Jobcentre Plus, which is part of the Department for Work and Pensions.

## **OUR LEGAL DUTIES**

The College undertakes to fulfil all the legal duties put upon it by –

- a) The Disability Discrimination Act 1995 and the associated Guidance and Codes of Practice, especially 'The Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability'. This means there will be no discrimination against staff on grounds of disability in access to employment, training, working conditions, terms of employment, treatment at work, promotion or dismissal. The College undertakes to fulfil its duty to make reasonable adjustments to enable staff to do their work, and not to treat staff with a disability less favourably than those without. The foregoing also includes staff who are carers of persons who have a disability.
- b) The wide range of other legislative provision which relates to disability discrimination, including –
  - The Employment Rights Act 1996
  - The Human Rights Act 1998
  - Pensions Act 1995
  - Protection from Harassment Act 1997
  - The Health and Safety at Work Act 1974
  - The Equality Bill 2008

## **RECRUITMENT AND SELECTION**

- a) The College will not discriminate on grounds of disability in the way it recruits and selects staff.
- b) The College will ensure that –
  - Job descriptions will be drafted to ensure they do not exclude people with disabilities.
  - Recruitment materials will be fully accessible and, as appropriate, made available in alternative formats.
  - Interviews will be fully accessible, and reasonable adjustments will be made to allow candidates with a disability to attend the interview without being placed at a disadvantage.
  - Disability will not be used to excuse the non-recruitment of candidates who meet the minimum criteria.
  - Where candidates have particular needs, consideration will be given to the adaptations needed to enable the candidate to do the job, assuming they meet the essential criteria in the person specification.