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1. Policy

1.1 Walsall College is passionate about inclusion, respect and enabling all students and staff to reach their full potential. Our work in this area was recognised by Ofsted in February 2013 as outstanding. This policy was developed in consultation with trade unions, staff and students that have a legitimate interest in the Equality, Diversity and Inclusion policy.

1.2 This policy describes Walsall College's:

- Vision and commitment to Equality, Diversity and Inclusion
- Legal duties under the requirements of The Equality Act 2010 in employment, facilities, goods and services and admission and treatment of students
- General and specific equality duties
- Practical steps for implementation of the policy

2. Our Vision

2.1 Our vision for Equality, Diversity and Inclusion is clear; we want to go beyond outstanding and ensure that we pro-actively promote inclusion for all. Staff and students must be able to flourish at the College and feel that they have a fair and equal chance to reach their potential. To achieve excellence for our community we need to continue to “bring talent to life”. By doing so we are creating an aspirational, motivated and diverse community which is able to thrive in a changeable global economy. We aim to respond to the huge range of needs expressed by students and our stakeholders and celebrate the benefits of difference.

2.2 As a truly inclusive College we will continue to recruit talent from all sectors of society, fully develop the talent of all our staff and students and build collaboration and a sense of community. We aim to go beyond statutory requirements to ensure our staff, students and partners have the best experience possible. We aim to continue to develop a corporate culture that is inclusive at all levels and in every system and process. Through our Single Equality Scheme, Equality and Diversity Strategy and Equality Objectives we will work with people from across the College and beyond to not only deliver our statutory responsibilities, but to exceed them.

Our mission is underpinned by the following values:

- The student is at the heart of what we do. We create and deliver opportunities for prosperity to students, employers and the wider community.
- We value professionalism, dedication, quality and excellence in our staff. We practice and promote respect, wellbeing and empowerment for the individual. We are committed to all our stakeholders and champion innovation and enterprise.
- We are committed to the needs of the modern economy and champion innovation, creativity and enterprise. We manage our resources responsibly for the benefit of our students.
- We develop strategic partnerships with employers and wider stakeholders to ensure we lead and shape the education and skills landscape. We work positively with and value our partners.
- We promote personal development, build confidence and ambition in our staff and students. We manage our resources responsibly for the benefit of our students.

3. Scope

- 3.1 This policy has direct implications for all other College policies. We believe that delivering Equality, Diversity and Inclusion is one crucial strand of our College approach to overall quality improvement and we place it at the very heart of everything we do.
- 3.2 Anyone who comes into contact with the College, external or internal customers, will benefit from this policy. All members of our College – staff, students and volunteers are subject to this policy. The policy is also binding on our external contractors, employers and other partners that the College collaborates with. The policy applies to all sites and premises belonging to Walsall College or used by Walsall College for carrying out its functions. The Principal and Chief Executive and the College Senior Management Team take the lead in ensuring they are implemented.

4. Governing Body responsibilities

Governors have a significant role in creating and maintaining an inclusive organisation where all can work, learn and reach their full potential (LSIS. Brief Guide to E&D for Governors pg. 3).

- 4.1 The Governing body instructs the College to:
- Ensure that relevant policies are in place, up to date and effectively implemented and monitored for impact.
 - Set and monitor challenging equality targets.
 - Promote equality of opportunity and celebrate diversity.
 - Not discriminate on the grounds of any protected characteristic in any aspect of our work.
 - Listen to the voice of our students and use it to make improvements which support inclusion and drive equality forward.
 - Ensure that all in our College community are protected from bullying, and discrimination wherever they may be learning or working.

5. Equality Duties

- 5.1 The College welcomes its Public Sector Equality Duties to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the equality Act 2010;
 - Advance equality of opportunity between people from different groups; and
 - Foster good relations between people from different groups.
- 5.2 We will also deliver our specific Public Sector Duties which require that the College:
- Publish equality objectives, at least, every four years.
 - Publish information to demonstrate compliance with the specific duties of the Public Sector Equality Duty.
 - Publish information relating to our employees and others affected by our policies and practices.
 - Work with partner organisations who deliver on our behalf, who take due regard of the specific equality duty.

6. Meeting Legal Duties

6.1 Protected Characteristics and Changes in Law

Under the Equality Act 2010 the headings of age, disability, race, religion or belief, gender, sexual orientation, gender reassignment, marriage and civil partnership, and pregnancy and maternity are known as 'protected characteristics'.

Some new definitions of unlawful treatment were introduced by the Equality Act 2010, especially in relation to associative discrimination, perceptive discrimination, third party harassment and victimisation. For more details, see Appendix 1.

6.2 Employment - It is unlawful to discriminate directly or indirectly in recruitment or employment because of any of the nine "protected characteristics" in the Equality Act 2010. No member of staff, or prospective member of staff, should receive unfair or unlawful treatment due to their protected characteristic or characteristics. Walsall College will seek to identify and act upon any unfair or unlawful discrimination which denies individual opportunities due to the criteria mentioned above. For more details on types of unfair and unlawful treatment go to Appendix 1.

6.3 Equal Pay - The College has a structured pay system and will carry out pay audits following the Equal Pay Code. Any inequalities in the area of equal pay will be tackled through equal pay action plans.

6.4 Gender Pay Gap Report – The College has produced a Gender Pay Gap Report. The report and calculations have been completed according to Government regulations, ACAS Guidelines and the Equality Act 2010 (2017 Regulations). This will be analysed and any appropriate actions taken to further reduce any Gender Pay gaps.

7. Provision of Services, Functions and Associations

7.1 The Equality Act 2010 makes it unlawful for staff to discriminate directly or indirectly, or harass customers or clients because of the protected characteristics of age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation in the provision of goods and services.

7.2 Reasonable adjustments will be provided for staff, students and customers who may be experiencing barriers due to disability, including alternative formats for other relevant 'protected characteristics'.

7.3 The recruitment, retention and achievement of students will be monitored by 'protected characteristics' (see para 6.1) where possible to determine trends and enable the College to provide focused support where it may be needed to ensure success. Decisions on which protected characteristics will be monitored by the College will be determined by consultation, reasonableness, meaningfulness and resources available. By these means patterns of inequality will be challenged.

7.4 The Admissions Policies of the College support non-discriminatory access. Every effort will be made to ensure equality of opportunity for all students providing suitable support in order for all students to access all services and facilities at Walsall College.

- 7.5 All activity will consider Equality and Diversity issues and will be reflected in quality processes.
- 7.6 All forms of oppressive behaviour/bullying/harassment will be directly and appropriately challenged by staff and students at all times in accordance with our Ready, Respectful, Safe Agreement, Positive Communities and British Values Agreement, Anti Bullying Policy and Dignity at Work Policy. Training will be available to staff to support them in this activity.
- 7.7 The College Anti-bullying Policy/Procedure and the Complaints Procedure will enable those who believe they have been victims of discrimination and harassment to raise concerns and achieve redress without undue delay or difficulty.
- 7.8 A contemplation room will be available for spiritual refreshment, exploration and counsel for people of any religious persuasion or none at the Wisemore campus.
- 7.9 Student induction, tutorial programmes and curriculum will continue to use all opportunities to embed the principles that underpin Equality, Diversity and Inclusion.
- 7.10 Our approach to Respect and Positive Communities and British Values and how to raise concerns if this is not adhered to will be well publicised.
- 7.11 A range of activities will be used to identify student perceptions of the College environment and the quality of their experience.
- 7.12 Clusters and Business Support departments will develop their own set of Equality and Diversity Impact Measures (EDIMS) which they will action plan to achieve.

8. The Quality of Provision

- 8.1 Effective Teaching, Training and Learning.
- 8.2 All teaching and training resources and curriculum will ensure that they reflect and promote Equality, Diversity and Inclusion, where appropriate.
- 8.3 Departments will take systematic steps to ensure that students have access to all opportunities irrespective of protected characteristic.
- 8.4 English for Speakers of Other Languages (ESOL) support will be available to those students who need it (where funding is available) to maximise learning outcomes and opportunities in the UK economy.
- 8.5 Admissions processes and initial assessment prior to courses beginning will be used to personalise support for students, including those with additional support needs.
- 8.6 Every opportunity will be given throughout each academic year for students/staff to disclose any disabilities or learning difficulties or other needs relating to 'protected characteristics' (see para 6.1) that they may have. The College will, through a culture of inclusivity, ensure an environment in which people feel able and confident to disclose and to see disclosure as the right course of action. The College will seek to provide reasonable adjustments in response to disclosure.

8.7 All providers of work based learning under contract to the College and those contracting with the College will be made aware of the College Equality, Diversity and Inclusion and related policies and will be expected to comply with them. Equality and Diversity issues will be raised in College visits to employers and with students on work based learning.

8.8 Work based students will be empowered and supported to challenge practices and behaviours in the workplace which they feel contravene College policy in relation to Equality, Diversity and Inclusion.

9. Meeting the Needs and Interests of Students

9.1 In valuing and taking the prior attainment and experience of students into account the College will promote activity and experience undertaken within ethnic, religious or other cultural communities.

9.2 The College will support the development of community cohesion and community development through partnership with other organisations including statutory and community/voluntary organisations.

9.3 Opportunities to celebrate diversity and to share experiences and knowledge will be offered via curriculum and cross College activity. Based on consultation and need the College will support development of students' networks e.g. Lesbian Gay Bisexual Transgender (LGBT) group to further equality objectives relating to protected characteristics. We have strong links with Walsall Disability Forum who can provide further support and guidance.

10. Student Guidance and Support

10.1 Information, advice and guidance will be delivered in ways accessible to different groups with protected characteristics and in ways that challenge stereotypes and equip students to defend their rights to fair treatment.

10.2 Support services will meet the needs of students from diverse backgrounds and communities.

11. Consultation and Participation

11.1 The College wishes to provide the highest standard of access in all consultation processes. Consultation and participation enables the College to better meet and serve the needs of all existing and potential service users. The College will consult with a range of organisations/individuals including staff, students and other stakeholders such as the Local Authority, Community groups and specific interest groups, such as Walsall Disability Forum, Walsall Black Sisters Collective and Walsall Multi Faith Forum.

12. Training and Development

12.1 In conjunction with this policy, Equality and Diversity training will be updated and offered to all staff and other relevant stakeholders to raise knowledge of equality legislation, develop Equality and Diversity competencies and tackle discriminatory practice and behaviours. Staff will be required to undergo refresher training every three years as a minimum.

13. Complaints/Alleged Breaches

13.1 The College has a number of ways in which staff and students can raise concerns in relation to any breach of this Policy, e.g. the Complaints Policy, the Anti Bullying Policy, the Grievance Policy and the Dignity at Work Policy. The Disciplinary Procedure for staff and the Positive Behaviour Management and Disciplinary Procedure for students will be followed where necessary.

14. Monitoring

14.1 The effectiveness of this Policy will be monitored through student and staff data, Equality and Diversity Impact Measures (EDIMS), culminating in the Equality & Diversity Annual Report. The College has equality objectives as part of the Single Equality Scheme.

15. Other Legal Duties

15.1 In putting this policy into practice, the College will work to meet all other duties (see Appendix 2) introduced under the following laws and regulations and will be ready to implement future legislation in this area.

- The Equality Act 2010.
- Rehabilitation of Offenders Act 1974
- The Protection from Harassment Act 1997
- Human Rights Act 1998

Appendix 1

Types of Discrimination

Direct Discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic.

Associative Discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic (for example, a mother of a disabled child).

Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

Indirect discrimination can occur when an employer has a condition, rule, policy or a practice in the company that applies to everyone but which particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if employers can show they acted reasonably in managing their business.

Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third Party Harassment

The Equality Act makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of the company, such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions and they were aware that it has taken place but did not take reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

Failure to make reasonable adjustments

The duty to make reasonable adjustments comprises three requirements for service providers and those exercising public functions. These requirements are:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.

- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

Appendix 2

Other Key Changes in the Equality Act 2010

Positive Action

As with previous equality legislation, the Equality Act allows employers to take positive action if they think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

Pre-Employment Health-Related Checks

The Equality Act limits the circumstances when employers (or agencies) can ask health-related questions (of the applicant or in a reference request letter) before they offer an individual a job. Now, before a job offer, employers can only ask health-related questions that help them:

- Decide whether they need to make any reasonable adjustments, for the person, during the selection process
- Decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people and assure themselves that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Once a person has passed the interview and has been offered a job then it is permitted for the employer to ask appropriate health-related questions.

Extension of Employment Tribunal Powers

Under previous legislation, an employment tribunal could make a recommendation that an employer must eliminate or reduce the effect on the claimant of any discrimination. The Act extends this power so that it will now be possible for a tribunal to make recommendations that an organisation takes steps to eliminate or reduce the effect of discrimination on other employees, not only on the claimant (even if the claimant has left their employ). For example, the tribunal might specify that an employer needs to train all staff about the organisation's bullying and harassment policy. This power does not apply to equal pay cases.

Equal Pay – Direct Discrimination

The Equality Act retains the previous framework that was in place. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment.

However, a change in the Equality Act allows a claim of direct pay discrimination to be made, where no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work in the organisation. This would be a claim under sex discrimination.

The Act carries provisions to introduce compulsory pay audits for employers with more than 250 employees from 2013 (if felt legislatively necessary). Public sector bodies with more than 150 employees will be required to report on gender pay (as well as other equality data) by April 2011.

Pay Secrecy

The Act makes it unlawful for an employer to prevent or restrict their employees from having a discussion to establish if differences in pay exist that are related to protected characteristics and outlaws pay secrecy clauses in contracts of employment. An employer can require their employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

Procurement

The Equality Act contains a specific measure on procurement, making provision: “to enable duties to be imposed in relation to the exercise of public procurement functions”. The Act: “makes it clear public bodies can use procurement to drive equality” and creates a more explicit connection between procurement and the new Public Sector Equality Duty.

The Act will ‘encourage’ and ‘enable’ Walsall College to use its procurement activities to further equality objectives and seeks to invoke a cultural shift in how public authorities pursue equality objectives through their procurement activities.

Local authorities are explicitly permitted to take non-commercial matters into account during the procurement process, when they consider it is ‘necessary’ or ‘expedient’ to do so. This is in order to comply with the Equality Duty.

Useful Contacts and Publications

ACAS National

Euston Tower
286 Euston Road
London, NW1 3JJ
Web Site: www.acas.org.uk
Tel: 0300 123 1100

ACAS West Midlands

Victoria Square House
Victoria Square
Birmingham, B2 4AJ
Web Site: ACAS West Midlands
Tel: 0300 123 1150

Equality & Human Rights Commission

FREEPOST
Equality Advisory Support Service Helpline
FPN6521
Tel: 0808 800 0082
Web Site: www.equalityhumanrights.com

LGBT Humanists

Web site: LGBT Humanists

Stonewall

192 St John Street
Clerkenwell
London
EC1V 4JY
Tel: 0207 593 1850
Web site: www.stonewall.org.uk