

City College Stratford

Equal Opportunity and Diversity Policy

version January 2023 v5

1. Policy Statement

City College Stratford is committed to a policy of equal opportunities and diversity in employment whereby individuals are selected, trained, promoted and treated on the basis of their relevant merits, skills and competency.

All members of staff and job applicants will receive equal treatment regardless of race, colour, nationality, ethnic origin, sex, marital status, disability, religion, political belief, Socio-economic background, parental status, trade union membership, sexual orientation and age.

2. Implementation

Principal has overall responsibility for the formulation, implementation and monitoring of the policy which is approved and supported by Council. The Centre is committed to a programme of action to ensure that this policy is effective by:

- Advising the Centre's senior management, other appropriate members of staff and committees of the Centre in matters of equal opportunities in employment;
- Providing training and/or guidance in the equal opportunities policy and those provisions, relevant to their responsibilities, of the Equal Opportunities Legislation detailed below.
- Stating on relevant material that it is an equal opportunities employer;
- Ensuring that all material will be consistent with the Centre's equal opportunities policy;
- Issuing each member of staff with a copy of this statement;
- Including a reference to the equal opportunities policy in terms and conditions of employment and asking new employees to confirm that they have read the policy as part of their terms and conditions of employment.

City College Stratford is very concerned about the following protected characteristics where discrimination may take place:

- Gender, including gender reassignment
 - Marital or civil partnership status
 - Having or not having dependants
 - Religious belief or political opinion
 - Race (including colour, nationality, ethnic or national origins)
 - Disability
 - Sexual orientation
 - Age.

The college is opposed to all forms of unlawful and unfair discrimination. All job applicants, employees and others who work for the college will be treated fairly and will not be discriminated against on any of the above grounds. The college welcomes job and learners' applications from all ethnicity and background including gender, age, sexual orientation, family status, perspective and experiences

Decisions about recruitment and selection, promotion, training or any other benefit will be made objectively and without unlawful discrimination.

The college recognises that the provision of equal opportunities in the workplace is not only good management practice, it also makes sound business sense. College Equal opportunities and diversity policy will help all those who work for the college to develop their full potential and the talents and resources of the workforce will be utilised fully to maximise the efficiency of the organisation.

The college celebrates all religious festivals including Christmas, Eid, Durga puja and Budha day and teach their learners British values including mutual respect for tolerance of those with different faiths and individual liberty.

2.1 Equal Opportunities and the Law

- Equality ACT 2010
- The Employment Equality (Age) Regulations 2006
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religious Orientation) Regulations 2003
- Race Relations (Amendment) Act 2000
- Human Rights Act 1998
- Disability Discrimination Act 1995 Amended 2005
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975 (amended 1986, extended 1999 to include Gender Reassignment).

2.2 Equality ACT 2010

A new Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007.

2.3 The Employment Equality (Age) regulations (2006)

These regulations have been introduced to ensure age equality within recruitment, selection, promotion, training & development, redundancy and retirement practices. This means that it is essential for organisations not to recruit, select, promote, develop, nor make individuals redundant on the basis of age. In terms of retirement practices, mandatory retirement ages below 65 years will be outlawed, those under the age of 65 may retire early if they wish, and should those individuals over the age of 65 wish to continue working, and they have the right to request this. The Centre has ensured that this legislation is reflected throughout the organisation and is inherent within its policies and procedures.

2.4 The Employment Equality (Sexual Orientation) Regulations (2003)

These regulations stipulate that it is unlawful for someone to be treated less favourably in the workplace because of their sexual orientation, their perceived sexual orientation or because they associate with someone of a particular sexual orientation. Sexual orientation is defined as either having a sexual attraction towards persons of the same sex, persons of the opposite sex or persons of both sexes. The implications of these Regulations are for the Centre to ensure it does not discriminate against employees or job applicants on the basis of their sexual orientation.

2.5 The Employment Equality (Religion or Belief) Regulations 2003

In a similar way to the above, it is unlawful to treat employees or job workers less favourably because they follow, are perceived to follow or do not follow a particular (or any) religion, religious belief or similar philosophical belief.

2.6 Race Relations (Amendment) Act (2000)

The RRAA came into force in April 2001 and amended the Race Relations Act 1976. The amended act takes equality requirements one step further under the law than other earlier Equal Opportunities legislation. This is because it places a positive duty on organisations to promote equality as well as ensuring employment practices are non-discriminatory.

Organisations must ensure that racial equality is a fundamental part of strategic planning and management processes. Steps must be taken to ensure all systems and procedures comply with the legislation and action must be taken to engender change where necessary. Organisations must collect data and analyse and assess it against publicly available benchmarks to measure performance and effectiveness and to identify how the organisation might improve.

In relation to recruitment and selection the Centre has reviewed procedures to ensure compliance with the RRAA and to promote practices that will assist in raising good practice in race relations. This will also be of benefit in raising the profile of other under

represented groups.

2.7 Human Rights Act (1998)

The Human Rights Act came into force on 2nd October 2000, and covers 16 basic human rights. These range from freedom from torture and killing to individual rights in everyday life. The Act also covers the right not to be treated differently because of your race, religion, sex, political views or any other status, unless it can be objectively justified.

2.8 Disability Discrimination Act (1995, extended 2005)

The DDA applies to anyone who has a physical, sensory or mental impairment, which has a substantial long term and adverse effect on their ability to carry out normal day to day activities. It is against the law for an employer to treat a disabled person less favourably than an able bodied person because of their disability, unless this can be justified. This applies to all employment matters (including recruitment, training, promotion and dismissal).

Discriminatory employment practice will not be justified based on past or previous disabilities e.g. a person who has a history of mental illness. In 2005, a new Disability Discrimination Act came into force, which extends the existing provisions in the DDA 1995. In particular, those who have HIV, cancer or multiple sclerosis are now covered by the DDA from the moment they are diagnosed. In order to help a disabled person compete on equal terms with an able bodied person, employers will have to look at what changes they could make to the workplace or to the way the work is done as a means of negating or limiting the affect of the disability or providing for it by making any changes that are reasonable. Employers are able to take into account how much the changes will cost and how much they will help, when considering what is reasonable.

Employers are still able to recruit or promote the best person for the job based on an assessment of the skills/abilities of candidates when reasonable adjustments or modifications have been made. Employers are not expected to make any changes which would break health and safety laws.

2.9 Sex Discrimination Act (1975, amended 1986, extended 1999) and Equal Pay Act (1970)

These Acts require that employers do not discriminate, either directly or indirectly, between men and women, or married and unmarried people, in recruitment or in any other way in their treatment of employees. Equal treatment, in respect of pay, terms of contract and employment, must be given to men and women doing the same or broadly similar work.

The Sex Discrimination Act
also:

Granted individuals a right of direct access to employment tribunals for legal remedies for unlawful discrimination and established the Equal Opportunities Commission to help enforce the legislation and promote equal opportunities and provide information and advice.

In 1999, the Sex Discrimination Act was extended to make it unlawful to

discriminate against an employee intending to, undergoing or having undergone, gender reassignment. (Gender reassignment is defined as a process undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex).

2.10 Rehabilitation of Offenders Act (1974)

The aim of this Act is to make working life easier for those who have been convicted of a criminal offence. An ex-offender after a period of rehabilitation has no need to disclose a previous conviction unless his or her sentence exceeded 2.5 years of imprisonment.

Once a conviction becomes 'spent' an employer cannot refuse to employ, dismiss or otherwise discriminate against an ex-offender on the grounds of a previous conviction. However certain posts are exempt from the Act. Examples of these include medical, nursing and midwifery posts, any posts that involve contact with vulnerable people, as well as all posts requiring admission to professional register. In these cases spent convictions have to be disclosed.

If any convictions are disclosed they are not necessarily a bar to employing that person; the relevance of the offence to the duties of the job must be considered at the short-listing stage.

2.11 Recruitment and Selection

The Principal and Academic Board /Management Committee are responsible for recruitment and selection. Those who are responsible for recruitment and selecting candidate are advised to be familiar with college's Recruitment and Selection procedures particular reference to equal opportunity consideration.

2.11.1 Working Arrangements

Subject to operational requirements, the Centre will give sympathetic consideration to members of staff whose personal circumstances change and will attempt to accommodate these by varying working arrangements, retraining or redeployment.

2.12 Harassment

It is the responsibility of all staff to ensure that individuals do not suffer any form of harassment and that they are supported in any legitimate complaint. Senior staff, managers and supervisors have a particular responsibility for providing a working environment free from harassment.

Racial harassment is committing or inciting any hostile or offensive act or expression by a person of one racial or ethnic origin against a person of another and which is motivated by racial or ethnic difference. Such behaviour includes derogatory name calling, insults and racist jokes, racist graffiti, verbal abuse and threats, physical attack and ridicule of an individual because of cultural differences.

Sexual harassment occurs in a variety of situations which share a common element i.e. the inappropriate introduction of sexual activity or comments into a work situation. It often involves relationships of unequal power and may contain elements of coercion.

Sexual harassment includes:

Unwanted sexual advances; sexually explicit remarks or innuendoes, intentional physical contact, the display of pornographic, sexually offensive or inappropriate material, verbal threats or abuse, and other actions which cause the person to feel threatened or humiliated. Sexual harassment can be experienced by members of either sex.

Other forms of harassment can include bullying or repeated reference to personal traits, appearance, sexual orientation, disability, religion and age. Actions designed to undermine an individual's professional competence or confidences are a misuse of power or position. Such actions may include public or persistent unwarranted criticism of work performance or exclusion from normal work activities. The distinction between strong management and bullying is that, whilst the former is intended to promote desired work performance, the latter is intended to hurt or undermine the individual.

Differences in culture or attitude, and misinterpretation of certain social signals, can mean that what is perceived as harassment by one person may not seem so to another. The defining feature, however, is that the behaviour is intimidating to the recipient and would be regarded as harassment by any reasonable person.

2.12.1 Dealing with Harassment

Some forms of harassment can be remedied by approaching the person, explaining the nature of the complaint and stating that the behaviour is unacceptable. This may be sufficient to stop the behaviour. If the behaviour does not stop, the complainant can then advise the person that they will make a note of the details and dates of any relevant incidents (to include the way in which the behaviour may have affected his/her day-to-day activities) with a view to bringing a formal complaint if the behaviour does not stop.

Senior staff, managers and supervisors should consider complaints of harassment with all possible speed and take appropriate action as quickly as possible. Any investigation should be independent, objective and handled confidentially with respect for the rights of both the complainant and the alleged harasser.

The Centre will regard any incidents of harassment extremely seriously. If a complaint of harassment is upheld, disciplinary action will follow. Any disciplinary action will be taken in accordance with existing Centre procedures.

2.12 Staff development and career development

The principles of Equal Opportunities are embedded within all the activities of the Staff Development Unit (SDU). Where practicable; training events, workshops and other development activities will take into consideration for individual particular needs such as learning difficulties, disabilities or domestic responsibilities. Head of SDU/Principal ensures that each staff gets equal opportunities regarding their development and training regardless their age, race, colour, background and disabilities.

3. Monitoring and review

This policy will be constantly monitored and reviewed by the Principal/Director of Studies at least once a year or any time if required by the college management to comply with any other policies and procedures and operate college fairly and effectively. After reviewing, it would be discussed with all staff to ensure that all staff know what has been altered or changed in the policy if required.