

1. Introduction

Tower Hamlets College is committed to providing a high quality educational experience and to promoting, maintaining and supporting equality and diversity in all aspects of its work. The College's mission is to remove barriers and raise achievement for everyone.

The College aims to create an environment where individuals have the opportunity to achieve their full potential with a feeling of self esteem. The College expresses its opposition to all forms of prejudice, inequality and discrimination.

2. Purpose

The College will actively seek to ensure that students and staff experience equality of opportunity and are free from harassment, discrimination or victimisation of any kind, regardless of age, gender, disability, learning difficulty, sexual orientation, sex gender reassignment, religion or belief, race, marital status membership of a trade union, or for any other identifiable cause protected by law.

As a responsible body, the College recognises and accepts its vicarious liability for the actions of staff, students, contractors and subcontractors. The College will comply with all legislation, regulations, statutory and non-statutory codes of practice and its contractual requirements relating to equality and diversity.

The College will challenge all forms of inequality, discrimination and harassment, and actively promote opportunities for the groups mentioned. This work is regarded as the responsibility of all staff in the College.

Any action by an individual employed by the College, or by a student or students and which contravenes this policy renders them liable for disciplinary action. Evidence of discrimination or harassment may be considered as gross misconduct. Clients or contractors who contravene the policy can expect appropriate action.

We are keen to develop an ethos that goes beyond compliance with the law i.e. one that is fully inclusive, eliminates discrimination, promotes equality and embraces diversity. This policy describes how we will fulfil our statutory duties and also how we will develop our practices.

The policy is intended to meet our duties under the Equality Act 2010. The College's Single Equality Action Plan shows the steps we will take to fulfil our duties.

3. Legislative Framework

The College's Single Equality Policy is based on the Equality Act 2010, and the Equality Act 2010 (Statutory Duties) Regulations 2011.

The Equality Duty has three general aims:

- to eliminate unlawful discrimination, harassment and victimisation
- to advance equality of opportunity between different groups
- to foster good relations between different groups

4. Publication of Equality Information

The Equality Duty requires the publication of sufficient information to demonstrate the College's compliance with the Equality Duty. Regulation 3 of The Equality Act 2010 (Specific Duties) Regulations 2011 requires Colleges to:

- Publish information to demonstrate compliance with the general Equality Duty by no later than 31 January 2012 and at least annually thereafter, and;
- Prepare and publish equality objective(s), by no later than 6 April 2012 and at least every four years thereafter.

The objective(s) should focus on what the College believes it should reasonably achieve to further one or more aims of the general Equality Duty and must be specific and measurable.

Published information will include:

- information on the effect that policies and procedures have had
- evidence of the analysis undertaken to establish whether the policies and practices would further, or had furthered, the aims of the Equality Duty
- details of the information considered in undertaking the analysis
- details of the engagement the College undertook with people considered to have an interest in furthering the aims of the Duty

5. Equality Objectives

Colleges are required to prepare and publish objectives which they think they should achieve in order to further one or more of the aims of the Equality Duty.

The information published must include details of the engagement undertaken when developing the objectives with people considered to have an interest in furthering the aims of the Duty.

Objectives should be specific and measurable and set out how the progress towards them will be measured.

Equality objectives must be published before 06 April 2012 and then at least every 4 years after that.

Information must be published in a manner that is accessible to the public.

6. Scope

The Board of Governors has the ultimate role in approving, championing, promoting and monitoring the Single Equality Policy.

The following groups and post holders have responsibilities for the development and implementation of policies relating to equality and diversity for staff and students:

The Principal is responsible for leading the College's committees and boards to ensure compliance with legislation.

The Senior Management Team are responsible for ensuring that the Single Equality Policy is implemented in all aspects of its work.

The Director of Student Services and Director of Human Resources are the designated senior managers with responsibility for equality and diversity. These post holders will be responsible for raising awareness of equality and diversity procedures and practices.

Heads of Faculty, Heads of Service and other College Managers are responsible for implementing the Single Equality Policy in relation to staff and students in their Faculty/Service areas.

The Human Resources Department is responsible for formulating, monitoring, evaluating and reviewing the Single Equality Policy in respect of staff.

The Student Services Directorate is responsible for formulating, monitoring, evaluating and reviewing the Single Equality Policy in respect of students.

The College's Equality and Diversity Strategy Group has a responsibility to monitor equality and diversity practices across the College to provide guidance to staff and students on equality and diversity matters and to complete an annual review and update of the policy.

Every staff member has an implied duty under their contract of employment to comply with the requirements of this policy.

Every student has an implied duty under the Student Charter and Code of Conduct to comply with the requirements of this policy.

Any individuals or organisations contracted within the College have an implied duty under their contract of employment to comply with the requirements of this policy.

Any students and staff working on placement outside the College have an obligation to understand the policy requirements of that organisation, whilst ensuring they comply with the policy of Tower Hamlets College.

The College will check that organisations who have students and staff on extended work placement at their premises seek to comply with the Single Equality Policy.

7. Intent

The College will seek to embed equality in all aspects of its work.

The College will seek to ensure that recruitment, selection and admission

procedures support equality and diversity in all aspects of education and employment so that the student body and workforce reflect the diversity of the communities it serves.

The College is committed to achieving equality for all students and to support diverse circumstances and needs in all aspects of teaching, learning and support.

The College is committed to achieving equality for all staff in training, career development, promotion and reward.

8. Implementation

Implementing Equality and Diversity is an ongoing process that will be regularly reviewed by the College's Senior Management Team and the Equality and Diversity Strategy Group.

All staff will be made aware of the Single Equality Policy during the induction process. Additional training will also be conducted for staff during whole College training days.

The College will produce an annual Equality Action Plan to support the development and provision of the Single Equality Policy. The Action Plan will be monitored by the Equality and Diversity Strategy Group.

All College marketing and support materials will encourage application and enquiries from staff and students from all areas of the community, reflecting the ethos of this Policy. The College aims to provide core information in a range of languages and formats on request where necessary.

The College aims to provide support services during enrolment and on programme to help in the identification of additional student support needs where necessary.

Training, advice and guidance and support will be provided to ensure that all staff, students and contractors understand their duties and obligations in law. Training will take place on College training days on a regular basis.

The College will protect the confidentiality of disclosure of sensitive matters related to equality and diversity, where this does not affect health and safety or the criminal law.

The College will neither promote, nor permit to be promoted, any one religious faith or culture. All individuals will be expected to adhere to College policies, rules and regulations, regardless of their personal faith or religion. Whilst the College resources exist primarily for the delivery of learning activities, arrangements will be made, where this is practicable, for staff or students to carry out essential religious observance.

Staff who believe they have not been treated in accordance with the Single Equality Policy may wish to make a complaint. This may be made either informally or formally in accordance with the Grievance Procedure, available from Human Resources.

The College will consider it to be a disciplinary offence under this Policy if any employee makes a false accusation against another employee regarding an alleged breach of the Single Equality Policy.

Students who believe they have not been treated in accordance with the Single Equality Policy may also wish to make a complaint. This may be either informally or formally in accordance with the College's Complaints Policy. The Senior Management Team and Heads of Faculty are responsible for dealing with complaints under this Policy. While it may be appropriate to deal with a complaint informally, it must be noted that any breach of the Single Equality Policy may be grounds for disciplinary action under the Student Code of Conduct and Student Disciplinary Policy.

9. Engaging with stakeholders

The College will continue to involve all learners, employees, and representatives from external organisations and the local community in its action planning. The purpose of this is to:

- increase participation
- identify barriers in our organisation so that changes can be made
- increase our effectiveness in identifying and prioritising equality initiatives
- improve staff and student satisfaction and morale

Feedback will be provided on the outcomes of engagement with stakeholders through a variety of media include the College intranet. Responsibility for ensuring that this takes place rests with the Equality and Diversity Strategy Group.

10. Monitoring

The College will conduct comprehensive and effective monitoring of all aspects of the Policy and the associated Equality Action Plan.

The College is committed to the collection of statistics, analysis of data and presentation of data, as well as monitoring on an ongoing basis and as education and employment policies and practices change. The College will obtain benchmarking data for the purpose of monitoring where such data is available.

The Senior Management Team will receive data which will inform the planning process and the implementation of this Policy.

Monitoring will be undertaken in accordance with best practice recommendations.

The College will monitor the implementation of this Policy as part of annual training activities, through staff and student focus groups and staff exit interviews.

An annual quality assurance audit for equality and diversity will be completed by the Director of Student Services and Human Resources. The audit will review College practices for equality and diversity provision, including the effectiveness of College policies and procedures, responses to new legislation, the admission and

progress of students, the recruitment and development of staff, successful resolution of any complaints/grievances in relation to equality and diversity, the effectiveness of staff training, provision of support and services for staff and students with learning difficulties and disabilities and health and safety aspects of equality and diversity.

An annual report on equality and diversity issues and the progress made in relation to the specific equality Duties will be prepared and submitted to the Governing Body.

11. Definitions

Access

The methods by which people with a range of needs (e.g. people with disabilities, children under 18 years of age, a first language other than English) find out about and use services and information.

Bullying

Bullying can be defined as offensive behaviour which violates a person's dignity, or creates an intimidating, hostile, degrading or offensive environment, or which humiliates or undermines an individual or group. Such behaviour can be vindictive, cruel or malicious. Bullying can take various forms, from name calling, sarcasm, teasing, and unwarranted criticism, to threats of violence or actual physical violence. Bullying can also cause low morale and produce a high turnover of staff.

Direct Discrimination

Direct discrimination occurs when factors unrelated to the merit, ability or potential of a person or group are used as an explicit reason for discriminating against them. An example would be recruiting a male applicant to a position rather than a more appropriately qualified woman because of irrational, prejudicial or stereotypical views, or not promoting someone because they have a disability.

The Equality Act introduces a new definition of direct discrimination extends protection based on association and perception, already applicable to race, sexual orientation and religion or belief, to include age, disability, gender reassignment, sex and pregnancy and maternity e.g. if an employee is overlooked for promotion because their partner has undergone gender reassignment.

Discrimination based on perception can occur if, for example, the College decides not to promote a female employee because senior staff believe her

to be pregnant irrespective of whether she is pregnant or not.

The provision for disability in the Act creates a new type of discrimination – discrimination arising from disability. This replaces disability-related discrimination as currently found in the DDA. This is in addition to direct and indirect discrimination, harassment and victimisation provisions relating to disability. For this type of discrimination to occur, the employer, or other person, must know, or could reasonably be expected to know, that the person has a disability. The Act will continue the existing duty upon to make reasonable adjustments in relation to staff, students and services. These adjustments apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. These provisions do not apply to the other equality strands, and are unique to disability. The three requirements of the duty are in relation to:

- provision, criteria or practice
- physical features
- auxiliary aids

Discrimination

Discrimination takes place when an individual or a group of people is treated less favourably than others because of factors unrelated to their merit, ability or potential. It is unlawful to discriminate against someone on grounds of their protected characteristics or because they are a member, or not, of a trade union. It is also unlawful to discriminate against part-time workers.

Diversity

Diversity describes the range of visible and non-visible differences that exist between people. Managing diversity harnesses these differences to create a productive environment in which everybody feels valued, where talents are fully utilised and in which organisational goals are met. (Kandola and Fullerton 1998)

Harassment

Harassment is unwanted conduct which may create the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment or induces stress, anxiety, fear or sickness on the

part of the harassed person. Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another; nevertheless, this does not make it acceptable.

Impact Assessment

Impact Assessment in the equality and diversity context is a detailed and systematic analysis of the potential or actual effects of a policy or practice, provision or criterion to ascertain whether it has a different impact on identifiable groups of people. Assessment should take place not only of all formal policies and practices, but also informal ones because of the need to eliminate indirect discrimination. Impact assessment is an anticipatory process that allows organisations to predict possible barriers faced by equality groups. A judgement of adverse impact is made if the impact of a policy disadvantages one or more equality groups. Steps then have to be taken to mitigate this adverse or negative impact.

Indirect Discrimination

Indirect discrimination occurs when there are rules, regulations or procedures in place that have a discriminatory effect on certain groups of people. E.g. dress codes requiring women to wear knee length skirts could indirectly discriminate against women from some cultural or religious groups who would not feel able to dress in this way. An unnecessary height requirement, which state that employees in some roles have to be six feet tall could discriminate against women, or people with certain disabilities, who would not usually be able to meet the requirement.

Less Favourable Treatment

In anti-discrimination law, less favourable treatment is an essential component of the legal definition of 'direct discrimination'. It simply means treating someone (A) differently and adversely compared with someone else (B). It involves comparing the treatment of A with the treatment of B. The opposite to this is 'more favourable treatment' (i.e. if A is treated 'less favourably' compared with B, B must have been treated 'more favourably' compared with A).

If there is also a difference between A and B relating to their gender, race, disability etc., then the treatment of A may amount to unlawful direct discrimination if there is not an innocent (or

reasonable and not unlawful) explanation for the less favourable treatment that A received.

Monitoring

Monitoring may be interpreted in terms of collecting numbers and assessing statistics (e.g. the proportions of male/female staff at different levels in an organisation) but it is also a way of checking how well policies, procedures and practices are working, It can, therefore, be linked to policy development, implementation and evaluation.

Positive action

Positive action is the deliberate introduction of measures to eliminate or reduce discrimination, or its effects. It is not about special treatment for any one particular group, but the fair treatment of all people. It is concerned with levelling the playing field so that everyone has access to the same opportunities. Positive action is not the same as positive discrimination, an example of which would be promoting someone purely on the basis of his or her gender.

Positive Discrimination

Positive discrimination occurs when one person or group of people is treated more favourably than another person, or group, would be treated in the same situation, based on a defining characteristic. This characteristic might be race, gender, sexual orientation, or religion of belief. It is illegal to recruit someone purely on that basis, unless there is a genuine occupational requirement. However, as the law relating to disability is fundamentally different from other equalities legislation, it is lawful for employers to advertise certain posts as only being available to disabled people. Positive discrimination is sometimes confused with positive action.

Prejudice

Prejudice is an adverse judgement, conviction or opinion formed beforehand or without knowledge or examination of the facts. It may be felt or expressed. It may be directed, without reason, toward a group or an individual of that group and may develop into an irrational suspicion or hatred. Although it is not possible to legislate against prejudice, prejudice often leads to discriminatory behaviour, which may in itself be unlawful. Prejudice is hard to challenge unless it is openly expressed so it is important that institutions encourage open debate about issues of concern.

Stakeholder

Anyone who has an interest in an organisation. College stakeholders could be staff, students, community groups, local residents and funders.

Stereotyping

Stereotyping is when characteristics conventionally associated with a particular group are applied to the individuals perceived to be of that group. It happens all the time, whenever generalisations are made about people. Stereotyping can be both positive and negative, and either can be equally ill-informed. Problems can arise when stereotypical views of people based on their group identity lead to pre-judgement or assumption-making about particular individuals. This may result in discriminatory behaviour.

Vicarious liability

Organisations can be held to be vicariously liable for the actions of staff and students for actions carried out in the organisation's. This liability applies even if the action was not authorised by the organisation. To avoid vicarious liability, the College would have to demonstrate that the member of staff or student was not negligent, i.e. that they had taken reasonable care, or that the member of staff or student was acting in his/her own right rather than on College business. Alternatively, the College would need to show that it had taken all reasonable steps to ensure that the action had not taken place. This could be done by having a policy that was communicated to staff or students by training, briefing or otherwise informing them that, in the particular situation in question, the individual had acted contrary to the rules and procedures. A College could be deemed to be vicariously liable for harassment, by a member of staff against another member of staff or a student, when at work or otherwise on College business, if members of staff had not been correctly briefed about their responsibilities and/or what constitutes acceptable behaviour.

Victimisation

A person is victimised if they are punished or treated unfairly because they have made a complaint, or are believed to have made a complaint, or to have supported someone who has made a complaint, for example, of discrimination against an organisation, a department or an individual.

Victimisation is unlawful as is post-employment victimisation. An College or an individual working for a College would be acting unlawfully if taking

discriminatory action against a former employee 'where the discrimination arises out of and is closely connected to the employment relationship'. Post-employment victimisation could be concerned with such things as employment references.

A person or group of people can also be victimised or singled out for discriminatory or even criminal treatment because of, for example, their race, gender, disability, age etc. This could be workplace discrimination with regard to such things as recruitment and selection and promotion. Students could be similarly victimised by a College or an individual working in one by e.g. refusal of application or unfair marking. Victimisation could also be by members of the community or agencies in the community, and can be experienced through such things as verbal abuse, assault, robbery and refusal to provide information and services.

12. Documentation

Other related policies deriving from this document are:

- Bullying and Harassment Policy
- Disciplinary Procedure
- Grievance Procedure
- Recruitment Policy
- Whistleblowing (Public Interest Disclosure Act) Policy

13. Review

This policy will be reviewed on a regular basis in accordance with legislative and educational developments.

Version:	04
Date:	March 2012
Next scheduled review:	2 years