



## 1 Authority & Context

- 1.1 This policy sets out the Oldham College response to the obligations of The Equality Act 2010 ('the Act') in having due regard to the statutory and the public sector duties, the elimination of unlawful discrimination, the advancement of equality of opportunity and the requirement to foster good relations.
- 1.2 It operates within the context of regulatory requirements of a variety of stakeholding organisations including OFSTED and a range of Awarding Organisations.

## 2 Scope

- 2.1 All aspects of College provision, to both internal and external customers, are covered by the Equality & Diversity Policy.
- 2.2 This Policy will apply to all Governors, full time, part time and temporary staff and students, visitors and contractors. Additionally it will set the standards we require of subcontracted learning providers. In ensuring that this policy is fully effective the college undertakes to work in partnership with recognised trade unions; work based learning employers; with employees and with students in its development and implementation.

## 3 Policy Content

### 3.1 Policy Statement

- 3.1.1 Oldham College is committed to eliminating discrimination and encouraging diversity amongst staff and students. All employees whether part time, full time or temporary will be treated fairly and with dignity and respect. All employees will be encouraged and supported to develop their full potential.
- 3.1.2 The College will encourage each person to own the responsibility of promotion and implementation of equality, diversity and inclusion throughout the College.
- 3.1.3 As part of its responsibility as an employer, the College will ensure that all staff receive appropriate training on their rights and responsibilities in relation to Equality and Diversity legislation and the College's Equality and Diversity policies and procedures.
- 3.1.4 Our vision is for Oldham College to be a successful, recognised, prosperous college that fully utilises the creativity, innovation and talents of its people placing us at the leading edge of the sector and making us one of the best places to work, study and visit. We want to create a supportive and inclusive environment where everyone can reach their full potential and have a real choice to participate in and contribute to our activities and processes, without prejudice and discrimination.
- 3.1.5 Our aim is to create an environment in which people treat each other with mutual respect, regardless of race (including colour, nationality, ethnic or national origin); age; gender reassignment; religion or belief; sex; sexual orientation, marriage and civil partnership; pregnancy and maternity / paternity; disability. These are known as the 'protected characteristics' as set out within the Equality Act .

### 3.2 The College works actively to make progress in the following areas:

### 3.2.1 Direct Discrimination

Ensuring that no person is treated less favourably than others on the grounds of race (including colour, nationality, ethnic or national origin); age; disability, gender reassignment; religion or belief; sex; sexual orientation; marriage or civil partnership; pregnancy or maternity leave. These are known as protected characteristics. In addition, the College is committed to ensuring that no person is treated less favourably than others on the grounds of Care Experience.

### 3.2.2 Indirect Discrimination

Ensuring that no provision, criterion or practice (PCP) puts an employee at a particular disadvantage because of their protected characteristic. Indirect discrimination will be found to have taken place if the employer cannot justify the PCP by showing it to be a 'proportionate means of achieving a legitimate aim'.

### 3.2.3 Harassment (including Bullying)

There are three types of harassment under the Equality Act.

- (i) Ensuring that no person is subjected to unwanted conduct which is related to a relevant protected characteristic (age; disability; gender reassignment; race; religion or belief; sex or sexual orientation) which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or of violating the complainant's dignity.
- (ii) Taking a zero-tolerance approach to sexual harassment (unwanted behaviour of a sexual nature).
- (iii) Ensuring that no person is subject to less favourable treatment because of how they responded to previous harassment.

(This Policy should be read in conjunction with the Staff Grievance Procedure and College's Bullying and Harassment Policy and Procedure, which provides detailed guidance on how complaints of bullying or harassment by staff and students will be dealt with.)

### 3.2.4 Widening participation

Encouraging maximum access to the full range of courses, and other educational services, for people of all social backgrounds and cultures. This includes monitoring patterns of recruitment to courses.

As part of student recruitment processes, other than where legislation dictates, students will not be prevented from accessing courses on grounds of age alone. Applicants considered 'children or young people' will be considered through the implementation of a full risk assessment based on the immaturity of trainees including factors such as physical size and weight and mental awareness of hazards.

### 3.2.5 Inclusive Learning

Providing support to enable individual students of different needs to progress through the formal and informal curriculum towards successful achievement.

Pre-course screening will take place to ensure suitability for the programme, and although programmes may have entry requirements as a pre-requisite for enrolment, these will not preclude students with additional needs from accessing learning programmes. A wide range of teaching and assessment methodologies will be employed to take account of the needs of all learners and maximise opportunities for success through differentiated study programmes that are tailored to meet individual need.

### 3.2.6 Celebrating Diversity

- Recognising and reflecting the positive contributions of people of different social backgrounds, cultures, religions, abilities, ages, gender and sexual orientation.
- The College will actively promote staff training and development in equality and diversity for all employees.
- The College will monitor and review the curriculum, and the learning resources used to deliver the curriculum, to ensure that they reflect and promote equality and diversity.

- The College will develop partnerships with organisations and groups in Oldham and beyond to help develop equal opportunities and positive action projects for the benefit of the wider community.
- The College will ensure that marketing strategies reflect equality and diversity good practice and that College provision is actively and appropriately promoted to all sections of the community.

### 3.2.7 Monitoring

Monitoring will be undertaken in accordance with best practice recommendations, particularly from bodies such as the Equality and Human Rights Commission and with regard to data protection principles. The outcomes of such monitoring will be reported on to the Principalship and the Governing Body.

The College will review the effectiveness of linked procedures, such as the Bullying and Harassment Policy and Procedure, designed to enable students, staff or clients to raise issues of concern about equal opportunities, and to make complaints about discrimination, harassment, bullying or victimisation.

#### 3.2.7.1 Students

The College will monitor all students and potential students in order to inform the setting of targets and the measurement of progress in achieving them. For example, in:

- Applications, success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Additional Learning Support
- Progression
- Disciplinary action
- Complaints by students or their sponsors
- Student feedback
- Safeguarding

#### 3.2.7.2 Employment

The College is committed to the collection of statistics, analysis of data and presentation of data as well as monitoring on an ongoing basis as employment policy and practices change.

The College will monitor the composition of the existing workforce, the recruitment and selection process and the take up/completion of professional development opportunities. We will look at the workforce with reference to all protected characteristics.

### 3.2.8 Publicity

3.2.9 The College will ensure that its Equality and Diversity Policy is publicised as widely as possible to its community, including students, staff, contractors, consultants, visitors, clients and members of partner organisations. Positive Action

The College undertakes to follow positive action measures allowed by law to rectify disadvantages in employment or education provision revealed by monitoring.

Positive action, allows the College to:

- provide facilities or services (in the form of training, education, or welfare) to meet the particular needs of people from under-represented groups to widen participation;
- target job training at particular groups that are under-represented in a particular area of work;
- encourage applications from groups that are underrepresented in particular areas of education or work.

Positive action strategies must be kept under regular review, and they cannot be used once the particular needs have been met, or if under-representation no longer exists. The College will ensure that when using positive action as a strategy, it falls within the law.

### 3.2.10 Core Equality and Diversity Performance Indicators

The college will consistently measure and report performance against the following performance indicators, for which we set targets:

- Enrolment by ethnicity, gender and disability to broadly reflect vocational sector norms.
- Attendance rates by ethnicity, gender and disability are comparable with other non-protected characteristic groups.
- Retention and Success rates by ethnicity, gender and disability are comparable with other non-protected characteristic groups.
- Student progression profile to be comparable with other non-protected characteristic groups.
- Staffing profile in respect of age gender and BAME groups reflect the community and are comparable with other similar FE Colleges.
- The management of complaints of discrimination and harassment.
- Student participation in cross college Equality and Diversity activities.
- Access to staff development is comparable across all protected characteristic groups.
- College maintains a position of being in the top quartile for performance outcomes.
- Membership profile of the equalities committee.
- Equality and Diversity through TL+A observation.

### 3.2.11 Meeting Our Duties

The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. In order to comply with The Public Sector Equality Duty contained within section 149 of the Act, the College is committed to having due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010;
- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- Fostering Good Relations between persons who share a relevant protected characteristic and persons who do not share it.

In order to meet the requirements of the duty, the Principal will ensure that regular reports are made to the Corporation on progress. These reports will inform the Governors about the College's position with regard to meeting the requirements of the Equality Act 2010.

The College will specifically publish Equality Objectives at least every 4 years within the Equality and Diversity area of our website; we shall provide progress updates annually.

### 3.2.12 Complaints Procedure

Any student/potential student, job applicant, member of staff or partner organisation may raise either formally or informally complaints of unfair or discriminatory treatment. The College will deal with all complaints fully and sensitively.

### 3.2.13 Breaches of the policy

In the event that staff or students are alleged to be in breach of the College Equality and Diversity Policy an investigation will be carried out in accordance with agreed procedures, including where appropriate, disciplinary procedures.

### 3.2.14 Definitions

The College operates within a set of agreed Equality & Diversity definitions, which can be found at Appendix1.

### 3.2.15 Policy Review

This Policy will be monitored and reviewed every two years or earlier if necessary to meet changes in equality legislation and best practice. The college will measure, review and reinforce the effectiveness of the policy through:

- The Strategic Plan
- Internal review processes
- College Plans
- Staff and student surveys and data analysis
- Collecting and disseminating good practice
- Monitoring activity

## 4 Accountabilities

4.1 All employees of the College have a responsibility for implementing the Equality & Diversity Policy and promoting equal opportunities in all aspects of their work.

4.2 All employees are personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable.

Specifically:

4.3 The College Governors are responsible for promoting Equality and Diversity on behalf of the Corporation. They are also responsible for ensuring that effective policies and procedures are in place to continuously improve the quality of equal opportunities through the College, and that a robust impact assessment process is in place.

- 4.4 The Principal is responsible for ensuring the College meets its Public Sector Equality Duties under the Equality Act 2010 and that Equality and Diversity is continuously promoted and comprehensively implemented in all aspects of the College's operation
- 4.5 The College's Human Resources Department is responsible for the implementation of all aspects of the College's Equality and Diversity Policy relating to the employment of staff.
- 4.6 All Managers of the College are responsible for promoting Equality and Diversity, and for improving the equal opportunities performance of their individual department.
- 4.7 All students are personally responsible for their own acts of discrimination, harassment or victimisation.

## 5 Associated Documentation

Appendix 1 - College Equality & Diversity Definitions  
 Equality and Diversity Objectives and Targets

## 6 Related Policies and Procedures

Grievance Procedure  
 Bullying and Harassment Policy and Procedure  
 Complaints Policy  
 Assessment and Internal Quality Assurance Procedure  
 Safeguarding Policy  
 Management of 3<sup>rd</sup> Party Procedure

## 7 General Data Protection Compliance

	Confirm (x)	Date Reviewed	Reviewer
No personal subject data is placed at risk by implementing this Policy.			
Personal subject data is placed at risk by implementing this Policy but safeguards are in place to mitigate this.	X	8/11/2017	Nick Middleton Peter O'Donnell
Personal subject data is placed at risk by implementing this Policy and it is unknown if safeguards are in place to mitigate this			

## APPENDIX 1

# EQUALITY AND DIVERSITY DEFINITIONS

### **Age**

Age discrimination arises when someone is unfairly disadvantaged for reasons, which cannot be objectively justified, relating to their age.

### **Disability**

Under the Act, disability is defined as a physical or mental impairment that has a substantial long-term, adverse effect on the affect to carry out normal day-to-day activities. It is unlawful to discriminate against someone because they possess one of the 'protected characteristics' and this includes disability.

## **Discrimination**

### **Direct Discrimination**

Occurs where a person treats another less favourably because of a protected characteristic.

### **Associative Discrimination**

. This is now extended to cover age, disability, gender reassignment and sex. It occurs when you treat people less favourably because they are associated with someone who has a protected characteristic. Applies to age, race, religion or belief, disability, gender reassignment, sex and sexual orientation

### **Perceptive Discrimination**

Discrimination by perception happens when a person is discriminated against because they are thought to have a particular protected characteristic when if fact they do not.

Applies to age, race, religion or belief, disability, gender reassignment, sex and sexual orientation

### **Indirect Discrimination**

Indirect discrimination can occur when a working practice, policy or rule, is the same for everyone but particularly disadvantages people who share a protected characteristic and there is no objective justification.

### **Discrimination - Pregnancy and maternity**

Defined as unfavourable treatment of a woman because of her pregnancy (including any illness suffered as a result of pregnancy); or because she has given birth; or because she has taken maternity leave or is seeking to exercise the right to take maternity leave

### **Discrimination arising from disability**

This type of discrimination means discriminating because of something that results from a disability, not because of the disability itself. The law applies if someone is treated unfavourably or put at a disadvantage. It does not apply if the person or organisation treating the person unfavourably did not know, and could not reasonably have known, about the disability. Sometimes there can be objective justification for this type of discrimination.

### **Diversity**

Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective educational community and workforce.

### **Equality**

Treating people the same does not create equality of opportunity. Sometimes you have to treat people differently in the first instance in order to give them an equal opportunity to access all areas of life. This may require making specific adjustments in order to aid particular individuals.

### **Ethnicity**

A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics - a shared history which distinguishes it from other groups and a cultural tradition of its own. The expression "ethnic monitoring" is used in reference to groups defined by colour, race or national origin as well.

### **Gender**

The word 'gender' is often used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for 'gender re-assignment' - see below) but 'sex discrimination' and 'gender discrimination' are generally interchangeable.

### **Gender Reassignment**

In the Equality Act, gender reassignment means proposing to undergo, undergoing or having undergone a process to reassign your sex. To be protected, you do not need to have undergone any medical treatment or surgery to change from your birth sex to your preferred gender.

### **Genuine Occupational Requirements**

If an employer can show it is necessary for someone to have a particular protected characteristic to do a job, it may not be unlawful discrimination. This is called the occupational requirement exception. The Equality Act 2010 provides that employers need to show all of the following things for the discrimination to be lawful:

- The requirement is an occupational requirement - it must not be a sham and there must be a link between the requirement and the job
- The employer has a good business reason or a legitimate aim for applying the requirement - the employer can't just say they have a good business reason for applying the requirement, they must be able to show it
- Having the requirement is the best way to achieve the employer's aim - the Equality Act says the requirement must be proportionate.

### **Marriage or Civil partnership**

The Equality Act 2010 makes it unlawful to discriminate against or treat someone unfairly because they are married or in a civil partnership. Gay and Lesbian couples are able to register their civil partnerships which gives them many of the same rights as same sex and opposite sex married couples. In particular:

- Same sex couples who register as civil partners have the same rights as married couples in respect of employment rights.
- The Act protects employees who are in a civil partnership, or marriage against discrimination.
- The Act also gives protection from discrimination because of an employee's sexual orientation.
- Recruitment and selection policies must not discriminate on the grounds of civil partnerships, marriage or sexual orientation.

**Protected characteristics** are the grounds upon which discrimination is unlawful.

### **Race** (includes ethnic or national origins, colour or nationality)

People may define their racial group by their country of birth, their nationality, their skin colour or their ethnic group.

### **Religion or belief**

The term "religion or belief" means any religion, religious belief, or similar philosophical belief. Generally, a belief should affect your life choices or the way you live for it to be included in the

definition. It is important to recognise that the law gives equal protection from discrimination to those who have no religion or belief.

### Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexuality are also covered by law. Targets. These can be percentages of underrepresented groups that employers or education providers aim to achieve in the make up of learners and/or their workforce as part of their equality action plan. It is unlawful to use a target as a reason for selecting someone, but it is not unlawful to take steps to get more qualified applicants from particular groups.

**Third Party Harassment** occurs already applies to sex and is now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes the College potentially liable for harassment of team members and learners by people (third parties) such as clients or customer and contractors of the employer/provider. For an employer to be liable:

- The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- It must be aware that the previous harassment has taken place; and
- It must have failed to take reasonable steps to prevent harassment from happening again.

### Change History Record

Issue	Description	Approval (author signature)	Date of Issue
Draft 1.0	New Policy	Adrian Ball	25.02.14
Draft 1.1	Author changed to Sam Breckell. Sections formerly numbered as 1.1 – 1.4 moved to Policy Content section. Sections formerly numbered 3.2.8 and 3.2.9 re-numbered as subsections of 3.2.7. Section formerly numbered 1.5 moved to Scope section as 2.1 1.1 and 1.2 added new for this version.	Nick Middleton	25.02.14
Version 1	Approved by Governors subject to addition of Governors to scope statement. Addition made as required.	Nick Middleton	18.03.14
1.1	3.2.4 and 3.2.5 expanded in line with requirements of Lantra Awards.	Nick Middleton	16.09.14
1.2	Reviewed and updated	Sam Breckell	07.10.16
1.3	Policy Owner changed to Pamela Cowen	Nick Middleton	06.06.17
1.4	General Data Protection compliance statement added	Nick Middleton	25.10.17
1.5	Fit for purpose for 2018/19 Approved by Governors 02.10.18	Gill Ellis	24.09.18
1.6	Appendix 1 – Equality and Diversity Definitions added	Josie Elson	11.09.19
1.7	Updated for 2020/21.	Josie Elson	24.06.20
1.8	Minor amendments to new policy name	Josie Norbury	01.09.21
1.9	Minor amendments to policy	Claire Symons	03.07.2024
1.10	Minor textual correction to 3.2.1.	Nick Middleton	06.12.24

