



Equality and Diversity Policy

Introduction

At Swansea College we recognise our responsibilities under the Equality Act (2010) to eliminate discrimination and to promote good relations between students, staff and parents.

We aim to provide all students, regardless of sex, race, disability, religion or belief, or sexual orientation, gender reassignment, pregnancy or maternity, equal access to all aspects of college life and work to ensure that every student is valued as an individual.

Teachers, as role models, are aware of the influence of adults in promoting positive attitudes and use that influence to challenge stereotypical ideas.

Our aim is to equip students with an awareness of our diverse community and to appreciate the value of difference. Discrimination is not acceptable.

Students' names will be accurately recorded and correctly pronounced. Students will be encouraged by staff to accept and respect names from other cultures.

All forms of discrimination by any person will be treated seriously since all such behaviour is unacceptable. Symbols, insignia and badges which indicate otherwise will not be worn.

The college values linguistic diversity positively. Students and parents will feel that their language spoken at home is valued.

In all staff appointments, the best candidate will be appointed based on strict professional criteria. We provide equal opportunities to everyone we employ and we do not accept any type of discrimination.

We encourage all our employees to develop their full potential and we will do everything we can to help them achieve this.

We will not discriminate, harass or victimise a student or potential student in the way we admit a student or provide education, access to any benefit, facility or service by excluding a pupil or subjecting them to any detriment. This extends to pupils who have left our college.

Our Commitment

Every student and employee has the right to dignity and respect. We will not tolerate bullying or harassment.

We aim to provide for all students according to their needs, irrespective of sex, race, disability, religion or belief or sexual orientation.

We will provide equal opportunities to all staff and students. We will treat all our employees fairly and equally.

Breaking the conditions of our equal opportunities policy, will be deemed as misconduct and could lead to disciplinary action.

We will monitor and review our policy each year.

Equality of opportunity permeates the whole college curriculum and is reflected in the college organisation.

General Principles

We will strive to provide training on equal opportunities and diversity for staff.

All our students have a right not to experience behaviour which offends anyone on the grounds of race, gender, nationality, sexual preference, ability etc.

We shall foster a positive atmosphere of mutual respect and trust among students and staff.

We aim to create an environment in which all students and their families and staff feel safe and unthreatened.

Staff should be seen to behave in a manner which demonstrates mutual respect for one another.

Adults should take every opportunity to encourage students to behave appropriately and to deal with incidents positively.

We will be sensitive to and provide for cultural and religious requirements, such as dress, diet and events.

We encourage students to develop self-esteem, confidence and motivation in all areas of their lives, including their own learning, development and progress.

Legislation

The Equality Act 2010 gives the key legislative requirements relating to equality and diversity. The Act identified nine protected characteristics, age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage and civil partnerships. All nine characteristics are covered in the employment duties

of the Act. The protected characteristic marriage and civil partnership is not included in the educational duties of the Act.

The Act outlaws unfair discrimination against an individual because of a protected characteristic and this includes the following types of discriminations:

- Direct discrimination (including discrimination based on association or perception) – occurs when you treat a person less favourably than you treat another person because of a protected characteristic.
- Indirect discrimination – occurs when a practice has the effect of putting people sharing a protected characteristic within the general group at a particular disadvantage.
- Harassment – occurs when someone behaves in a way that creates an offensive, hostile, degrading, humiliating or intimidating environment for a person.
- Victimisation – occurs if you treat someone badly because they have been involved in a claim or complaint about discrimination.
- Discrimination arising from disability – occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment.
- Failure to make reasonable adjustments (for disabled people) – occurs when an organisation fails to make reasonable adjustments for a disabled person to avoid the disabled person being placed at a substantial disadvantage compared to a non-disabled person.

The first part of this duty to eliminate unlawful discrimination, harassment and victimisation applies to all nine protected characteristics while the rest of the duty applies to eight of the protected characteristics and excludes marriage and civil partnerships.

Roles and Responsibilities

Each member of the College community is responsible for following and supporting this policy. The guidance applies to students, employees, agents, contractors, volunteers and visitors. We expect all members of our community to follow our vision and values for equality and diversity.

Any member of the college community may raise, either informally or formally, complaints of unfair and/or discriminatory treatment.

The guidance applicable to particular roles in the college follows.

The Principal

The Principal carries the ultimate responsibility, for ensuring the college meets the requirements of equality legislation. In particular, the Principal will set and maintain the strategic direction for equality and diversity.

Staff

Each member of staff is responsible for supporting this policy and the law. Every role in the college has an equality and diversity component and staff will:

- Apply and embed the vision and values of this policy in their work and roles.
- Support and enable students to follow this policy.
- Take appropriate and immediate action in the event of incidents of harassment, unfair discrimination or misbehaviour alerting or involving if necessary, senior college staff.

Complaints from staff can be made in person or by email to: complaints@swanseacollege.com. A copy of the complaints procedure can be found on the college intranet or at reception in hard copy. Support to staff is available through line management.

Students

Students are expected to support and follow this policy and will:

- Treat everyone with respect, fairly and with understanding, making them feel welcome in the college.
- Abide by the law.
- Use language carefully, without swearing or inappropriate language, and to not say rude, hurtful or disrespectful things about other people.
- Resolve differences and disagreements amicably (threatening or attacking anyone is a serious disciplinary offence).

Complaints from students can be dealt with through the complaints procedure or by meeting with their personal tutor/Academic Manager.

Appendix 1

STATEMENT ON DISCRIMINATION ON GROUNDS OF RACE

This strand of legislation is now adopted into the Equality and Diversity Policy and Procedures of Swansea College as employer and as a provider of education.

1. The regulations make it unlawful on the grounds of race to:
 - ***Discriminate directly** against anyone because of their race, unless it can be objectively justified.
 - ***Discriminate indirectly** against anyone, i.e. apply a criterion, provision or practice which disadvantage people of a particular race, unless it can be objectively justified
 - Subject someone to ***harassment**
 - ***Victimise** someone because they have made or intend to make a complaint or allegation
2. The college will monitor the impact of its policies and procedures to ensure that it does not apply any unnecessary restrictions relating to race, other than where there may be an objective justification.
3. All students and staff should be aware that Racial Discrimination is one of the Equality strands covered by the College's Equality and Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the student body (student disciplinary policy) or (b) a member of staff (staff disciplinary policy).

Appendix 2

STATEMENT ON DISCRIMINATION ON GROUNDS OF DISABILITY

This strand of legislation is now adopted into the Equality and Diversity Policy and Procedures of Swansea College as employer and as a provider of education.

1. The regulations make it unlawful on the grounds of disability to:
 - ***Discriminate directly** against anyone because of their disability, unless it can be objectively justified.
 - ***Discriminate indirectly** against anyone, i.e. apply a criterion, provision or practice which disadvantage people of a particular disability unless it can be objectively justified
 - Subject someone to ***harassment**
 - ***Victimise** someone because they have made or intend to make a complaint or allegation

2. The college will monitor the impact of its policies and procedures to ensure that it does not apply any unnecessary restrictions relating to disability, other than where there may be an objective justification.
3. All students and staff should be aware that Disability Discrimination is one of the Equality strands covered by the College's Equality and Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the student body (student disciplinary policy) or (b) a member of staff (staff disciplinary policy).

Appendix 3

STATEMENT ON AGE DISCRIMINATION

This strand of legislation is now adopted into the Equality and Diversity Policy and Procedures of Swansea College as employer and as a provider of education.

1. The regulations make it unlawful on the grounds of age to:
 - ***Discriminate directly** against anyone because of their age, unless it can be objectively justified.
 - ***Discriminate indirectly** against anyone, i.e. apply a criterion, provision or practice which disadvantage people of a particular age unless it can be objectively justified
 - Subject someone to ***harassment**
 - ***Victimise** someone because they have made or intend to make a complaint or allegation
2. The college will monitor the impact of its policies and procedures to ensure that it does not apply any unnecessary restrictions relating to age, other than where there may be an objective justification.
3. All students and staff should be aware that Age Discrimination is one of the Equality strands covered by the College's Equality and Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the student body (student disciplinary policy) or (b) a member of staff (staff disciplinary policy).

Appendix 4

STATEMENT ON RELIGION OR BELIEF DISCRIMINATION

This strand of legislation is now adopted into the Equality and Diversity Policy and Procedures of Swansea College as employer and as a provider of education.

1. This legislation states that a person should **not** be subject to any of the following because of their religion or belief:
 - ***Direct discrimination**
 - ***Indirect discrimination**
 - ***Harassment**
 - ***Victimisation**
 - (*an explanation of these terms is given under Appendix one of this Equality and Diversity Policy)
2. The college will go further by ensuring that discrimination (including harassment and/or victimisation) on grounds of a person's religion or belief will not be permitted in relation to the treatment by a member of staff to another member of staff and towards a student **nor** by a student to another student or to a member of staff.
3. All students and staff should be aware that discrimination on the basis of a person's Religion or Belief is covered by the College's Equality and Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the student body (student disciplinary policy) or (b) a member of staff (staff disciplinary policy).

Appendix 5

STATEMENT ON SEXUAL ORIENTATION DISCRIMINATION

This strand of legislation is now adopted into the Equality and Diversity Policy and Procedures of Swansea College as employer and as a provider of education.

1. A person should **not** be subject to any of the following because of their sexual orientation:
 - *Direct discrimination
 - *Indirect discrimination
 - Harassment
 - Victimisation
 - (*an explanation of these terms is given under Appendix one of this Equality and Diversity Policy)
2. The college will go further by ensuring that discrimination (including harassment and/or victimisation) on grounds of a person's sexual orientation will not be permitted in relation to the treatment by a member of staff to another member of staff and towards a student **nor** by a student to another student or to a member of staff.
3. All students and staff should be aware that discrimination on the basis of a person's sexual orientation is covered by the College's Equality and Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the student body (student disciplinary policy) or (b) a member of staff (staff disciplinary policy).

Appendix 6

STATEMENT ON DISCRIMINATION ON GROUNDS OF GENDER AND GENDER IDENTITY

This strand of legislation is now adopted into the Equality & Diversity Policy & Procedures of Swansea College as employer and as provider of vocational training.

1. The regulations make it unlawful on the grounds of Gender or Gender Identity to:
 - ***Discriminate directly** against anyone because of their Gender or Gender Identity, unless it can be objectively justified
 - ***Discriminate indirectly** against anyone, i.e. apply a criterion, provision or practice which disadvantages people of a particular Gender or Gender Identity, unless it can be objectively justified
 - Subject someone to ***harassment**
 - ***Victimise** someone because they have made or intend to make a complaint or allegation
2. The College will monitor the impact of its policies & procedures to ensure that it does not apply any unnecessary restrictions relating to Gender and Gender Identity, other than where there may be an objective justification.
3. All students and staff should be aware that Gender and Gender Identity Discrimination is one of the Equality strands covered by the College's Equality & Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the Student Body (Student Disciplinary Policy) or (b) a member of Staff (Staff Disciplinary Policy).

Appendix 7

STATEMENT ON DISCRIMINATION ON GROUNDS OF PREGNANCY AND MATERNITY

This strand of legislation is now adopted into the Equality and Diversity Policy and Procedures of Swansea College as employer and as a provider of education.

1. The regulations make it unlawful on the grounds of pregnancy and maternity to:
 - ***Discriminate directly** against anyone because of their pregnancy and maternity, unless it can be objectively justified.
 - ***Discriminate indirectly** against anyone, i.e. apply a criterion, provision or practice which disadvantage people because of pregnancy and maternity, unless it can be objectively justified
 - Subject someone to ***harassment**
 - ***Victimise** someone because they have made or intend to make a complaint or allegation
2. The college will monitor the impact of its policies and procedures to ensure that it does not apply any unnecessary restrictions relating to pregnancy and maternity, other than where there may be an objective justification.
3. All students and staff should be aware that pregnancy and maternity is one of the Equality strands covered by the College's Equality and Diversity Policy.
4. Any unlawful discriminatory acts or omissions contrary to, or inconsistent with that Policy will be regarded as a breach of the appropriate disciplinary code as it applies (a) to a member of the student body (student disciplinary policy) or (b) a member of staff (staff disciplinary policy).

Appendix 9

Definitions

1. **There are** nine protected characteristics, age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage and civil partnerships.

a. **Direct Discrimination** involves the treatment of someone less favourably, in relation to one of the legally protected strands of legislation (i.e. age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage and civil partnerships) compared to someone to whom that strand does not apply in the same circumstances.

b. **Indirect Discrimination:**

Where a criterion, provision or practice is applied which cannot be justified on grounds other than by reason of age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage and civil partnerships, is applied to people equally but has the effect in practice of disadvantaging a higher proportion of people and that criterion, provision or practice is not a proportionate means of achieving a legitimate aim.

c. **Harassment**

Harassment is any unwanted behaviour deliberate or otherwise pertaining to one of the legally protected strands of legislation (i.e. age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage and civil partnerships) which is directed at an individual or group that is found to be offensive or objectionable to that individual or group because it violates dignity, creates a hostile, intimidating, degrading, humiliating or offensive environment. Such behaviour can include hostile or offensive acts or expressions by a person or group, or incitement to commit such an act. Harassment may include intentional bullying but may also be subtle or insidious.

Some examples of harassment include:

- Derogatory name-calling;
- Insults and jokes;
- Ridicule for differences;
- Deliberate exclusion from normal workplace or social events;
- Reference to an individual's age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage/civil partnership status;
- Unfair allocation of work and responsibilities;

- Derogatory actions, statements, jokes, taunts or reference to an individual's age, disability, gender, gender identity, pregnancy and maternity, race, religion and philosophical beliefs, sexual orientation and marriage/civil partnership status;
- Insulting behaviour or gestures, physical threats or assault;
- Incitement of others to commit to any of the above.

d. **Incident** (e.g. racist incident, sexist incident)

Is one which involves any form of harassment which can involve either verbal or physical behaviour or abuse.

e. **Victimisation**

It is unlawful to treat an individual less favourably because they are known to have, or suspected of having:

- Made a complaint
- Planned to make a complaint
- Supported someone else who has made or is planning to make a complaint

f. **An employer can set** requirements that are directly discriminatory (in terms of Age or Gender, provided that:

- It is a proportionate means of achieving a legitimate aim.
- action taken must contribute to a legitimate aim and the discriminatory effect is significantly outweighed by the benefits of the legitimate aim.

The employer must objectively justify the different treatment by showing that the reason for the difference in treatment

- Corresponds to a real business need on the part of the organisation
- Is appropriate with a view to meeting that need and
- Is necessary to meet that need
- There was no reasonable alternative to the action being taken.