

# **CLEVELAND COLLEGE OF ART & DESIGN**

<i>Title:</i>	<b>Equality and Diversity Policy</b>		
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<i>Minor amendments:</i>	<i>Date:</i>		
	<i>Nature of:</i>		

The policy or procedure will be reviewed by the date shown on the front cover sheet, or sooner if a change in legislation, best practice, or other circumstances indicate that this is necessary. If, for whatever reason, the policy or procedure is not reviewed by the date shown, the policy or procedure shall stay in force until formally reviewed.

## INTRODUCTION

1. This policy aims to outline how the college intends to meet the requirements of The Equality Act 2010, including the public sector equality duties that came into force on 5<sup>th</sup> April 2011, and the public sector specific duties that came into force on 10<sup>th</sup> September 2011. Further details of both the general and specific duties can be found [here](#).

## SCOPE

2. The policy covers all students and staff throughout the learning or employment experience from initial enquiry prior to joining the College, through to leaving the College. It also covers contractors and visitors.

## DEFINITIONS

3. Disability - A person is disabled if they experience a physical or mental impairment which has a substantial or long term effect on their ability to carry out normal day-to-day activities, e.g. using the telephone, reading a book, using public transport
4. Direct discrimination - Where a person is discriminated against by virtue of having a protected characteristic
5. Discriminate against - To treat (somebody) differently and especially unfavourably on the grounds of race, sex, religion etc.<sup>1</sup>
6. Discrimination - Prejudicial treatment, e.g. on the grounds of race, sex, religion etc.<sup>1</sup>
7. Gender - Femaleness or maleness in a cultural and social context as opposed to sex, which is determined biologically
8. Gender reassignment - A person undergoes gender reassignment if they propose to, have started or have completed a process to change their gender. Medical supervision or procedures are not required to fit this definition
9. Harassment - 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
10. Indirect discrimination - Where the college has a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic
11. Positive action - Action taken to encourage participation by those from under-represented groups. Note – this is different from positive discrimination.

12. Prejudice - A preconceived opinion, especially a biased and unfavourable one formed without sufficient reason or knowledge / An irrational attitude of hostility directed against an individual or group <sup>1</sup>
13. Racial group – any combination of nationality (through birth or naturalisation), ethnic origins (a group which regards itself and is regarded by others as a distinct and separate community because of certain characteristics), and national origin (historically and geographically based).
14. Religion - Any religion covered by the Equality Act 2010, or a lack of religion
15. Transsexual - Someone physically of one sex who has an urge to belong to or resemble the opposite sex<sup>1</sup>

## **POLICY**

### **The commitment**

16. Cleveland College of Art and Design is committed to achieving fairness and equality for all who learn and work at the College.
17. The College aims to:
  - a) Eliminate unlawful discrimination, harassment and victimisation
  - b) Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  - c) Foster good relations between people who share a protected characteristic and people who do not share it.

### **Protected characteristics**

18. The college aims to ensure that all students and employees (actual or potential) are treated fairly and equally regardless of:
  - a) age (except for restrictions on services set by funding bodies),
  - b) disability,
  - c) gender reassignment,
  - d) marriage and civil partnership,
  - e) pregnancy and maternity,
  - f) racial group (including colour, nationality and ethnic or national origins),
  - g) religion or belief,
  - h) sex, or
  - i) Sexual orientation.

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<sup>1</sup> Penguin English Dictionary



## **Direct, associated and perceived discrimination**

19. The above applies regardless of whether the person has the characteristic themselves, or is associated with someone with a protected characteristic, or is perceived to have the characteristic, whether or not they actually do.

## **Harassment**

20. The college believes that harassment on the grounds of any of the protected characteristics listed in paragraph 2 are unacceptable in any form, and will treat any instances of harassment on these grounds seriously, and as gross misconduct where committed by a student or employee. Harassment committed by any other service user or third party e.g. contractor, will be dealt with as soon as possible and may result in the removal of service or contract where applicable.

## **Impact Assessment**

21. The College has previously screened and assessed the impact of new and existing policies, procedures and practices in order to make sure it achieves its vision of equality, and published its findings in its annual equality and diversity report.
22. As part of the Governments "[war on red tape](#)" there is no longer a statutory requirement for public organisations to undertake impact assessments. The College has therefore taken the decision to cease carrying out impact assessments.
23. Carrying out Equality Impact Assessments (EIA) is however still considered best practice in order to meet the requirements of the Public Sector Equality Duty (PSED), a view supported by the [Equality Challenge Unit](#) (ECU).
24. In order to meet this requirement and to embed best practice, the College will seek to develop a revised system of EIA for implementation in September 2016, using the PSED as a basis.
25. Equality and diversity training is mandatory for all college staff. The College is confident therefore that during this period of review all activity including the writing of policies and procedures will be completed with the clear commitment to the principals of Equality and Diversity.

## **Use of Data**

26. Data analysis requires the collection of data on staff and students at all stages of their college experience, with regard to whether they have any protected characteristics or are associated with anyone with protected characteristics. The data will be collected and used within appropriate guidelines, and purely for monitoring and reporting purposes at all times.

## **Changes to policies, procedures and practices**

27. Where people with a protected characteristic are directly or indirectly discriminated against, the College will seek to amend its policy, procedure or practice to find an alternative means of achieving its aims that does not have the discriminating effect, or has a less discriminatory effect on people with the protected characteristic.

## **When changes are not appropriate**

28. When changes cannot be made or are not available or appropriate the college will assess whether the indirect discrimination can be justified i.e. whether it represents a 'proportionate means of achieving a legitimate aim'.

## Positive Action

29. Where a negative impact on those with a protected characteristic is identified, the College will also consider using positive action to rectify the situation, where this is appropriate.

## Right to complain

30. Any person who feels an action or process of the College contradicts this vision for equality and fairness, may complain via either the College complaints or grievance procedures.

## Review

31. The College will review the policy annually to ensure it is assisting the College in achieving its equality and diversity aims, and the aims of further legislation and guidance produced by the [Commission for Equality and Human Rights \(CEHR\)](#), funding providers such as Skills Funding Agency (SFA), Higher Education Funding Council (HEFCE) and other relevant organisations such as the Association of Colleges (AoC), Learning and Skills Improvement Service (LSIS).

## Action Plan

32. The college will write and publish an annual report detailing progress to date and proposed actions for the future to ensure it achieves its equality and diversity aims.
33. The College will also write and publish specific equality and diversity objectives at least every four years. Progress against these targets will be included in the annual report.

## ROLES AND RESPONSIBILITIES

34. All **staff, students and governors** have a responsibility to adhere to the ethos of the Equality and Diversity Policy: to avoid discriminatory practices including the victimisation, harassment and intimidation of other staff and students, and to discourage them in others.
35. All **staff and students** are encouraged and will be supported in reporting any instances or suspicions of discrimination or harassment. The college will ensure all allegations are fully investigated with due regard to confidentiality.
36. The **Student Services Manager (students) and Human Resources Manager (staff)** have overall responsibility for equality and diversity issues and will ensure annual reports are made to the Governing Body. Reports will include equality data monitoring, the equality action plan and the results of Impact Assessments where applicable.

37. The **Governing Body** have overall responsibility for ensuring the college meets its obligations under the Equality Act 2010.

#### **MONITORING AND EVALUATION**

38. The Equality and Diversity Policy and the action plan will be managed by the **Equality and Diversity Committee**, which is chaired by the Vice Principal (Academic). The Committee will include representatives from all areas of the College, including students.

#### **PROCEDURES THAT SUPPORT THE ACHIEVEMENT OF THE POLICY**

39. All other college policies and all college procedures support the achievement of the aims of this policy. They will be written with its aims in mind and will include reference to this policy.