

# Quality System

## Policy Number

POL-ED-01

## Policy Title

Equality, Diversity and Inclusion Policy

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# Equality, Diversity and Inclusion Policy

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## 1 Introduction

Bishop Auckland College Group is committed to creating an outstanding learning environment where we promote fairness, celebrate differences and the unique contributions and talents that all our community (“the College”) (governors, staff, learners, visitors and contractors) can bring, to enable us to thrive. We will proactively work to create, diversity and equality of opportunity that is intended to be an integral part of College life.

To this end, the College Group is committed to our growth in creating equality of process, equality of choice and equality of outcome. In its policies and practices the College Group will seek to enhance the self-esteem of the College community providing an environment which is safe, collaborative and inclusive where, every individual is encouraged and supported to reach their full potential.

This commitment to valuing diversity and equality of opportunity is a fundamental policy that is integral in all College activities and reflected in our mission and values. All members of the College community are expected to uphold the policy and to ensure that their actions embody the commitment.

The College Group promotes equality of opportunity in all aspects of our work, valuing the richness of ideas that diversity brings.

### College Mission statement and vision

The College’s mission statement and vision encompasses the vision and mission for **ALL**, irrespective of individual characteristics, academic achievement or social background.

**MISSION**

**The passion that drives us**

Get the skills, get the job: High quality vocational learning that creates bright futures for all.

**VISION**

**Shaping the future**

The Bishop Auckland College Group will continue to evolve by responding to individual, community and business needs with high quality specialist provision that builds prosperity for all people and catalyses local economic regeneration.

## College Values

The College values permeate the whole Organisation and embrace our commitment to equality, diversity and inclusion

# CAREER AHEAD with

Bishop  
Auckland  
College

**C**ARING

We are passionate about people and concerned for the wellbeing of all students and staff, our communities and the environment

**A**MBITION

We empower students and staff to aim high and achieve their full potential

**R**ESPECT

Regardless of our differences, everyone is valued and treated with kindness

**E**QUALITY

We are inclusive and enable all members of our community to thrive

**E**XCELLENCE

We strive for exceptional standards in everything we do

**R**ESILIENCE

When faced with challenges, we work together to adapt and bounce back more determined than before

## Data Protection

As this policy can involve processing of personal data, data protection regulations will be adhered to. Please refer to the General Data Protection Regulation Policy (ref: POL-DP-01) for further information.

## 2 Scope

Bishop Auckland College strives to promote social inclusion and the development of potential through the provision of quality lifelong learning opportunities for all students. The College Group strives to embrace equality and diversity in all aspects and aims to create a workforce which reflects, at every level, the community which it serves. The College Group is committed to promoting our responsibilities to equality and diversity with all students, potential students, staff and potential staff, stakeholders, contractors and partners as we value the richness that is provided to all through creating an inclusive environment brings.

This policy is endorsed by Senior Management, the College's Equality, Diversity and Inclusion Working Group, the Principal/Chief Executive and the Corporate Board or Executive Council for South West Durham Training.

## 3 Context

The College Group, as an employer and provider of education is required to ensure compliance with equality legislation, the Public Sector Duty, the requirements of the Equality Act 2010 and British Values.

## 4 Equality Act 2010

The College Group adheres to the Equality Act 2010 which includes a number of duties. It explains the rights and responsibilities of the people that form the College community. It lists the following 9 protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

See Appendix A – For definitions of characteristics

The College Group promotes inclusion for all, treats everyone fairly and monitors students and staff under the protected characteristics as well as other relevant criteria.

The Equality Act 2010 makes it illegal to treat someone less favourably because of their protected characteristic. It also advises us on unlawful behaviour based on a protected characteristic.

Unlawful behaviour in relation to the Equality Act includes:

Direct discrimination  
Discrimination based on association  
Discrimination based on perception  
Discrimination arising from disability  
Indirect discrimination  
Harassment  
Victimisation

See Appendix A – For definitions and examples of unlawful behaviours

## **5 Public Sector Equality Duty**

The College Group considers all individuals when carrying out its day-to-day work in shaping policy, in delivering services and in relation to our staff. As a Public Body the College Group pays due regard to:

- Eliminating discrimination, harassment and victimisation.
- Advancing equality of opportunity.
- Fostering good relations between one group and another or between groups sharing the same protected characteristic.

In addition to these, the College Group pays due regard to:

- Further education and collaboration with staff and students in relation to equality, diversity and inclusion.
- Tackling inappropriate behaviour and language.
- Embedding inclusive and progressive language and literacy.

## **6 British Values**

The College recognises that it plays a vital role in keeping our students safe from harm, including from risks of extremism and radicalisation. College staff are expected to exemplify key British values. As part of their student journey, our learners will develop their understanding of the key role they play in promoting and demonstrating these values. This includes through induction, tutorials and curriculum.

British Values are integral to the ethos of equality and diversity. The College Group embraces these values within the College community and the diverse culture within modern Britain. The values cover four aspects:

- Democracy
- The rule of law
- Individual liberty
- Mutual respect and tolerance of others such as people who hold different faiths and beliefs

## **7 Principles of the policy**

The commitment to equality, diversity and inclusion is supported by Bishop Auckland College Group's Single Equality Scheme. This sets out our commitment to equality,

diversity and inclusion demonstrates that equality, diversity and inclusion permeates every aspect of College life, creating an inclusive environment. The operation of the Single Equality Scheme will be monitored by the Equality, Diversity and Inclusion Working Group. The overall responsibility for the implementation of the Single Equality Scheme lies with the Principal/Chief Executive.

In pursuance of commitment to diversity and the elimination of discrimination and harassment, the College Group is committed:

- To create an inclusive environment for all members of our College community, which is fair, has equitable practices and procedures. An environment in which all members of our community feel valued and respected.
- To eliminate discrimination, harassment and victimisation
- To advance equality of opportunity for all
- To foster good relations across and between the protected characteristics
- To raise awareness of discrimination and ensure all members of the community are aware of their responsibilities under the legislation.
- To embed equality of opportunity in all policies, practices, decision making and evaluation processes.
- To monitor equality and diversity in all aspects of College life and investigate any issues which arise
- To create and sustain environment that values differences, raises aspirations and allows all within our community to reach their full potential
- To comply with the requirements of the Single Equality Scheme and relevant legislation
- To embed British Values and embed within the College community

## **8 Commitments of the College Group**

The College Group believes that Equality, Diversity and Inclusion should permeate every aspect of college life, including workforce and student recruitment, the whole curriculum, guidance and support.

The College Group will make reasonable adjustments to facilities and practices to avoid discrimination on the grounds of disability against students or those employed by the College Group or those legitimately using its facilities.

The College Group is committed to operating a fair and transparent recruitment, promotion and selection process which is free from bias.

The College Group offers training to all staff to ensure that staff have equal access to available opportunities.

To support contractors and service providers to raise awareness of the College Group's Equality, Diversity and Inclusion Policy.

The College Group welcomes and takes seriously, any comments from staff, students or other service users in regard to their treatment at College to ensure that no service user experiences any form of discrimination or harassment.

A Customer Complaints Procedure is available for students, staff and visitors details of which are provided at induction.

A Grievance Procedure is available to staff, details of which are available from Human Resources or the Staff Portal.

Analysis to identify equality gaps will be undertaken and strategies to address these will be monitored through the Equality, Diversity and Inclusion Working Group.

The College Group assesses the impact of its policies and practices.

The College Group will monitor equality of opportunity and British Values in the curriculum delivery through the observation of teaching, learning and assessment process.

The College Group's staff development programme provides appropriate training for all staff in relation to equality, diversity and inclusion and British values

The College Group supports flexible working to ensure a good work-life balance. The College Group will consider all requests, regardless of family commitment.

Students, staff, stakeholders and partners are duty bound by the remit of this policy. Complaints against them or from them will be processed through the College Group's Customer Complaints Procedure.

The Equality, Diversity and Inclusion Working Group will meet termly to monitor, consider, develop and promote equality and diversity issues.

The Policy will be reviewed annually and the Single Equality Scheme Action Plan will be reviewed at least three times year

The College Group aims to be transparent in all practices and policies, including any staff benefits, family friendly policies which are inclusive of all staff regardless of their individual characteristics.

The College Group is committed to embed and uphold expected standards of behaviour from both staff and students. These expected standards of behaviour are set out in the student's code of conduct and staff code of conduct, which every staff member and student are expected to be aware of.

The College Group deals with any breaches of the College Group's Equality, Diversity and Inclusion Policy through the staff Grievance Procedure, Inappropriate Behaviour/Anti-bullying Procedures, and/or staff or student Disciplinary Procedures.

To support its commitment to equality of opportunity the College Group will assist staff and members of the Corporate Board to meet their professional obligations in respect of the policy. Training and further education will be continually provided to encourage staff to

become fully aware of the issues and of good practice in the field of equal opportunities so that they may act lawfully with understanding, confidence and integrity. New staff will undertake equality, diversity and inclusion training within twelve months of joining the College Group.

The right of every student and staff member to equality of opportunity, as embodied in the Single Equality Scheme, is fundamental to all aspects of the operation of the College Group. This means that direct discrimination is not acceptable. The College Group will take appropriate disciplinary action where individuals discriminate or incite others to discriminate against others.

Equally, the College Group will not accept or become complicit in any indirect discrimination, in which a regulation or procedure leads to unfair treatment, exclusion or disadvantage in respect of an individual or particular group's protected characteristics even though the regulation or procedure itself is not intended to have this effect.

## 9 Supporting Documents

Single Equality Scheme	SCH-ED-01
Single Equality Scheme Action Plan	
Anti-bullying and Harassment policy	POL-SS-01
Staff Disciplinary Procedure	BAC-HR-1-01
Staff Grievance Procedure	BAC-HR-1-03
Staff Inappropriate Behaviour Procedure	BAC-HR-1-05
Student Disciplinary Procedure	BAC-SS-01
Staff Code of Conduct	HR-DP-01
Student Code of Conduct	BAC-SS-01
Complaints Procedure	BAC-Q-05
Recruitment, Selection and Appointment of Staff	BAC-HR-3-01

### For further information contact:

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Standards

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## Appendix A – Legislation

### The Equality Act 2010

The Equality Act updates, simplifies and strengthens the previous equality legislation covers employment, facilities, goods, services and education, including the admission and treatment of learners.

The Act makes it unlawful to discriminate against people based on nine protected characteristics

- Age.
- Disability.
- Gender reassignment.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual Orientation.

#### Age

The act defines age by reference to a person's age group. An age group can be:

- People of the same age or a range of ages.
- Wide such as 'people under 25'.
- Narrow such as people born in 1976.
- Relative such as 'a person older than me' or 'younger than me'.
- Linked to an actual or assumed physical appearance.

#### Disability

A person is a disabled person under the Act if they have

- 'a physical or mental impairment'
- which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.'
- *Reference to a person's ability to carry out normal day-to-day activities are to be taken as including references to the person's ability to participate fully and effectively in working life on an equal basis with other workers, in line with the Equality Act (Amendment) regulations 2023*

There is no need for the person to have a medically diagnosed cause for their impairment. What matters is the impairment and not the cause. Colleges have a duty to make reasonable adjustments for people with disabilities, and cannot unlawfully discriminate, harass or victimise you because of your disability.

#### Aids & HIV

Aids and HIV is a health issue that often attracts widespread publicity and high levels of stigma because of misinformation, fear and prejudice. The College will regard AIDS in the same way as any other serious illness or disability. The College Group will ensure that staff and learners are well informed about HIV/Aids through the work of the Health and Wellbeing Centre, tutorials and effective partnership work. The College Group will support those individuals who have AIDS or HIV infection through the provision of medical and welfare advice.

#### Gender reassignment

Gender reassignment is defined as a personal rather than a medical process which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

A person will be protected because of gender reassignment where they:

- Make their intention know to someone.

- Propose to undergo gender reassignment surgery (even if it is not completed).
- On starting gender reassignment surgery.
- Start or continue to dress, behave or live according to their gender identity.
- Undergo any treatment related to gender reassignment.
- Receive gender recognition under The Gender Recognition Act 2004.

### **Trans Equality**

A transsexual person is someone who proposes to, starts or has completed a process (or part of a process) to change his or her sex from their 'birth' sex.

This process can be referred to as 'Gender Reassignment'.

Transvestites (sometimes known as 'cross-dressers') are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex and, therefore, are not protected by The Equality Act. However, they would be protected from direct discrimination and harassment if this were experienced because someone thinks that they are transsexual, even if that is not the case.

The College is committed to preventing discrimination and harassment, in addition to advancing and promoting equality for Trans persons. This commitment extends to individuals that are perceived to be Trans when in fact they are not (discrimination by perception), and to individuals that are associated with a Trans person (discrimination by association).

### **Marriage and Civil Partnership**

Marriage is defined as a

- 'union between a man and a woman'.
- Same-sex couples can have their relationships legally recognised as 'civil partnerships' and be legally married.
- Civil partnerships and same sex marriages must be treated no less favourably than heterosexual married couples.

All employees are protected against discrimination on the basis of marriage or civil partnership.

However, ***being married or in a civil partnership is not a protected characteristic for Further Education colleges.***

### **Pregnancy and maternity**

- Pregnancy is the condition of being pregnant or expecting a baby.
- Maternity refers to the period after the birth and is linked to maternity leave in the employment context.
- In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this
- includes treating a woman unfavourably because she is breastfeeding.
- Breastfeeding mothers have additional rights under the Equality Act (Amendment) Regulations 2023, including the right not to be treated less favorably at work because they are breastfeeding, right to a personal risk assessment when returning to work and for suitable facilities to be provided to store breast milk.

### **Race**

The Act defines race as a person's:

- Colour
- Nationality
- Ethnic or national origin
- Racial group – a group of people that share a colour nationality or ethnic or national origin.

### **Religion or belief**

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. For a religion to be protected it must have a clear structure and belief system.

Belief means any religious or philosophical belief and includes lack of belief. For a belief to be protected under The Equality Act:

- It must be genuinely held.
- It must be a belief and not an opinion or viewpoint based on the information available at the moment.
- It must be a belief as to a weighty and substantial aspect of human life and behaviour.
- It must attain a certain level of cogency, seriousness, cohesion and importance.
- It must be worthy in a democratic society.
- It must be compatible with human dignity and not conflict with the fundamental rights of others.

## **Sex**

Unlawful sex discrimination happens when someone is treated unfairly because of their gender.

Women, men and transsexual people can all experience sex discrimination.

Sex discrimination also includes treating someone less favourably because they are married or in a civil partnership: for example, by not hiring married women.

## **Sexual Orientation**

The law protects people from discrimination on the grounds of sexual orientations towards people of the same sex, people of the opposite-sex, or people of both sexes. This means they protect lesbian women, gay men, bisexual people and heterosexual people in employment, services, and education.

## **Positive action provisions**

Learners with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions, which enable education providers to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular student group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) education providers to take proportionate action to remedy the disadvantage faced by particular groups of learners. Such action could include targeted provision, resources, or putting in place additional or bespoke provision to benefit a particular disadvantaged student group.

It is never unlawful to treat disabled learners (or applicants) more favourably than non-disabled learners (or applicants).

Law allows employers, to take positive action to help redress any imbalances that may have arisen in the workplace because of past discrimination or disadvantage. The aim of positive action is to ensure that people from previously excluded groups have the opportunity to compete on equal terms with other applicants

## Appendix B – Definitions of Unlawful behaviour

### Harassment

The Equality Act 2010 states that there are three types of harassment that are unlawful:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a person because they submit to or reject sexual harassment or harassment related to sex.

Harassment occurs when a person is subjected to unwanted behaviour, which is related to one or more of the protected characteristics, which has either the purpose, or the effect of:  
Violating a person’s dignity.

Creating an intimidating, hostile, degrading or offensive environment.

Unwanted, unwelcome or uninvited behaviour.

A person does not have to say that they object to the behaviour for it to be unwanted. Behaviour associated with harassment can take many forms and is defined as unwelcome physical, verbal or non-verbal conduct. (See table below for examples)

### Harassment related to a protected characteristic

Harassment related to a relevant protected characteristic means harassment based on: Age, disability, gender, gender identity, sexual orientation, race, and religion or belief.

Related to, means and includes situations where people who are subjected to the unwanted behaviour do not share the protected characteristic themselves but there is a connection between the behaviour and the protected characteristic.

For example:

A learner might complain of harassment, in a classroom setting, because a member of staff comments that ‘all men are useless’, even if the comments were not directed at that learner.

**Sexual Harassment** occurs when a person is subjected to unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It is also unlawful to treat a person less favourably because they either submit to or reject sexual harassment or harassment related to their sex.

See table for examples of unwanted behaviour of a sexual nature.

Behaviour	Example	Sexual Nature
Including but not limited to:		
Physical	Assault, pushing, standing too closely, intimidating stance, threats of violence.	Inappropriate touching, sexual assault, coercion of sexual acts.
Verbal	Shouting, emails, phone conversation, text message, comments, jokes.	Sexual jokes, emails, comments.
Non-verbal	Hostility, display of offensive pictures and photographs.	Pornographic photographs or drawings,

All members of the college community, staff and learners alike, by their own behaviour

and their response to others, are legally responsible for helping to ensure that individuals do not suffer any form of harassment and that they are encouraged and supported in making complaints.

Difficulty in deciding what constitutes harassment should not deter anyone from complaining of behaviour that they find offensive or distressing. The College will, however, take willfully false allegations very seriously and may take disciplinary action as a result. The Equality Act states that it is not necessary for a person to immediately say that the behaviour that they object to is unwanted for the behaviour to be construed as harassment.

Some behaviour, that causes offence or distress, may be conscious or deliberate or may arise from thoughtlessness or insensitivity. In either case, the person causing harassment should be given a clear signal that his or her behaviour is unacceptable. This may be done directly or through a suitable third party. No one should be deterred from complaining of behaviour, which distresses him or her, by embarrassment, intimidation or fear of publicity. The need for confidentiality will be respected wherever possible.

### **Bullying**

Bullying is unjustified and inappropriate behaviour which is threatening or humiliating.

### **Discrimination**

Discrimination is any action, which deprives an individual of rights or opportunities. It may be either direct or indirect, by association, or by perception.

#### **Direct discrimination**

Direct discrimination occurs when you treat a person less favourably than you treat (or would treat) another person because of a protected characteristic and this is done deliberately or unjustifiably.

**Discrimination based on association** also occurs when you treat an individual less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

*This might occur when you treat a student less favourably because their sibling, parent, carer or friend has a protected characteristic.*

**Discrimination based on perception** also occurs when you treat someone less favourably because you mistakenly think that they have a protected characteristic (*other than pregnancy and maternity*).

#### **Discrimination because of pregnancy and maternity**

Treatment of a woman - less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger. It is direct sex discrimination to treat a woman less favourably because she is breastfeeding a child, who is more than 26 weeks old. This includes additional protections in line with the Equality Act (Amendment) Regulations 2023.

#### **Discrimination arising from disability**

This is this treating a disabled person unfavorably because of something connected with their disability when this cannot be justified, and failing to make reasonable adjustments for disabled people.

### **Indirect discrimination**

This occurs when you apply an unjustifiable provision, criteria or practice in the same way for all people or a particular group of people, but this has the effect of those people who share a protected characteristic within the general group, being subject to a particular disadvantage. It does not matter that you did not intend to cause a disadvantage with a particular protected characteristic. What does matter is whether your action does or would disadvantage people compared with people who do not share that characteristic.

'Disadvantage' within the College could mean denial of an opportunity or choice, deterrence, rejection or exclusion.

Indirect pregnancy and maternity discrimination are not covered under the equality act although it could be included in the definition of direct sex discrimination.

### **Indirect discrimination: same disadvantage (Indirect associative discrimination)**

The Equality Act (Amendment) Regulations 2023 outline that indirect discrimination may occur where the criterion for indirect discrimination is met, even if somebody doesn't share the protected characteristic but can demonstrate that they suffer the same disadvantage.

### **Institutional Discrimination**

Meaning, the collective failure of an organisation to provide an appropriate and professional service to people because of their protected characteristics.