

CAPEL MANOR COLLEGE
EQUALITY AND DIVERSITY POLICY

1.0 OVERVIEW

1.1 The College values difference and recognises that people with different backgrounds, skills, attitudes and experiences bring fresh ideas, perceptions and encourage harmony and understanding to the College community⁽¹⁾.

Capel Manor College recognises that it is an integral part of the local and wider community. The College serves the needs of a wide range of individuals from the diverse ethnic and social mix of multicultural London and Great Britain.

1.2 Capel Manor College is committed to attracting staff and students from a wide variety of backgrounds.

Such diversity of staff and students is viewed as a major strength of the organisation. The College aspires that all staff, students and visitors are treated with dignity and respect within a safe, positive working and learning environment free from discrimination, harassment or victimisation. The College will not accept any form of discrimination whether it is overt or covert, and is totally committed to tackling discrimination at all levels. Everyone must accept responsibility for upholding this position as a basic requirement of working or studying at College.

1.3 The College will safeguard the interest of all equality characteristics and will provide equality of opportunity.

The College will safeguard the interests of all equality groups outlined in the Equality Act 2010 with reference to the nine protected characteristics:

- i. Age;
- ii. Disability⁽²⁾;
- iii. Gender Identity⁽³⁾;
- iv. Pregnancy and Maternity;
- v. Race (including ethnic or national origins, colour or nationality);
- vi. Religion and Belief⁽⁴⁾;
- vii. Sex (Gender);
- viii. Sexual Orientation;
- ix. Marriage / Civil Partnership.

1.4 **The College will work to eliminate unlawful discrimination, harassment or victimisation on the grounds of the protected characteristics as well as discrimination on the grounds of a perceived or associative protected characteristic⁽⁵⁾.**

The College promotes equality of opportunity to ensure that students, staff and visitors feel welcome, safe, valued, included and respected in the College community and when at College premises.

1.5 **The College will investigate claims of discrimination and treat such acts, if proven, as potential gross misconduct.**

The College deems that wilful discrimination is gross misconduct and will take relevant disciplinary action against students or staff who are found to be guilty of such an act. The College will seek to provide a supportive environment for those who make claims of discrimination, harassment or victimisation. Acts of discrimination, whether they are direct or indirect, harassment, victimisation or abuse, will be treated as a very serious disciplinary offence, which could lead to dismissal or permanent exclusion.

1.6 This policy is published on the Capel Manor College website and Moodle the College VLE. (Copies are also available from Human Resources).

Notes

⁽¹⁾ 'College community' includes permanent and temporary staff, including those staff employed by third parties, all students, prospective students, those progressing through the admissions and selection process and visitors to the College including those supplying goods and services.

⁽²⁾ The legal definition of Disability includes 'learning difficulty' and may include some 'medical conditions' or a temporary disability.

⁽³⁾ Gender Identity Includes people who have expressed an intention to undergo, are undergoing or have completed a process of gender reassignment. Other related words are transgender, gender reassignment or transsexual.

⁽⁴⁾ The legal definition of 'Religion and Belief' also includes 'Non Belief' and 'Philosophical Belief'.

⁽⁵⁾ Discrimination on 'Perceived' ground refers to an assumption or belief made about a person which is the basis of a discriminatory act made against that person where this assumption is not correct. Discrimination on 'associative' grounds refers to discrimination suffered by a person because they are associated with a person who may have one or more of the named protected characteristics.

2.0 LEGISLATIVE CONTEXT

2.1 The College recognises that legislation relating to equality and human rights is often complex and protection from discrimination can be found in a number of different pieces of UK and European legislation. The civil legislation which is central to this policy are listed in paragraph [A1] in the Appendix I of this policy. In some circumstances, a breach of the Equality and Diversity policy may constitute a criminal offence and therefore the College may need to report this to the police. The legislation which can potentially criminalise an incident of misconduct under this policy is listed in paragraph [A2] of Appendix 1.

3.0 SCOPE OF THE POLICY

- 3.1 This policy applies to all members of the College community and the general public. These groups include:
- 3.1.1 Permanent and temporary staff, as well as those employed by third parties. The policy also applies to people applying for employment in the organisation.
 - 3.1.2 All students enrolled on courses at the College.
 - 3.1.3 Prospective students including those progressing through the admissions and selection process.
 - 3.1.4 All visitors to the College including suppliers of goods and services.
 - 3.1.5 Work Based Learning students and their employers.

4.0 GENERAL AIMS OF THE POLICY

- 4.1 College seeks to be a champion of equality and diversity, promoting and encouraging all members of The College; students and staff, to realise their full potential.
- 4.2 The Equality Act 2010 outlines the general duties for the public sector with respect to employment matters and the services they provide to their community. The Act 2010 also outlines specific duties for the providers of further and higher education. This policy outlines the following aims which are derived from the general and specific duties outlined in the Equality Act 2010.

The College will:

- 4.3 Work towards the elimination of unlawful discrimination, harassment and victimisation in connection with the protected characteristics named in [1.2]. Investigate all complaints of discrimination, victimisation or harassment and take prompt and appropriate action.
- 4.4 Promote equality of opportunity, positive attitudes and foster good relations between all members of the College community.
- 4.5 Publish a Single Equality Scheme with an action plan outlining the arrangements for implementing the policy and publicising its contents to the College community and making the scheme accessible publicly.
- 4.6 Provide relevant equality and diversity training to all staff to help them carry out their role with respect to the promotion of equality of opportunity in the College community.
- 4.7 Clearly brief all students on the College's expectations and aspirations and include statements on equality in the student learning agreement and student handbook.
- 4.8 Monitor complaints received from, and the disciplinary sanctions taken against any member of the College community.
- 4.9 Take positive steps, where workable, to address any under-representation of minority groups in the provision of employment and training or widening participation to include socially or economically disadvantaged learners in the provision of education.

- 4.10 Take steps to balance the rights of individuals where the rights of individuals may appear to conflict. This will be done in a sensitive, fair and where possible in a non-discriminatory manner. The College recognises that rights must be exercised in a way which is compatible with the rights and interests of others. In these circumstances the College may take steps to discriminate against a particular group and objectively justify its position that the action is a proportionate means of achieving a legitimate aim or a necessary means for the efficient and peaceful running of the College.
- 4.11 The Equality and Diversity group will devise a Single Equality Scheme Annual Action Plan which will consider both the Staff and Student Annual Equality (data) reports to set actions to further progress Equality and Diversity in line with the College Four Equality Objectives and the objectives contained in this policy. The Equality and Diversity group will review progress against the plan through the termly meetings.
- 4.12 The College will undertake an annual review of the procedures for supporting students who have disabilities and learning difficulties (this will be undertaken by the Head of Student Support and Services and will be incorporated in Annual E&D Student report).

5.0 GOVERNING BODY, LEADERSHIP, MANAGEMENT AND INDIVIDUAL RESPONSIBILITIES

5.1 The Board of Governors are responsible for:

- making sure that the institution stays within the Equality Legislation and meets all its duties, including the general duty and specific duties;
- making sure that this Policy and Single Equality Scheme and its procedures are followed;
- ensuring that the membership of the Board of Governors actively works to reflect the diversity of the community served by The College;
- ensuring that the College's Strategic aims includes a commitment to equality and diversity;
- ensuring that equality and diversity training features as part of the College's development Plan;
- monitoring information through both the Academic Committee and the Finance and General Purposes Committee.

5.2 The Principal, who has overall responsibility for the enactment of this policy, has delegated operational management responsibility of Equality and Diversity to the Vice Principal and the Director of HR.

The Principal has lead responsibility for:

- taking the lead in creating a positive, inclusive ethos that challenges discriminatory behaviour on the part of Managers, Staff and Students;
- giving a consistent and high profile lead on equality and diversity issues;

- promoting this Policy and Single Equality Scheme inside and outside the Institution;
 - ensuring that this Policy, the Single Equality Scheme and its procedures are followed by all.
- 5.3 The Vice Principal and the Director of HR will advise students, staff and the Senior Management Team on matters concerning equality and diversity at the College. This will be in the context of services to students and employment matters respectively.
- 5.4 Any member of the College community, who becomes aware of any acts of discrimination against another, has a duty to report this to a member of SMT to instigate an appropriate investigation. If, in the course of their work, College staff or students suffer discrimination from anyone including members of the public this must be reported, the College will take appropriate action and provide appropriate support. Any discriminatory behaviour directly or indirectly against staff/students or members of the public will not be tolerated and appropriate action will be taken.
- 5.5 The College Managers are responsible for:
- ensuring that they are aware of the College's statutory duties in relation to equality legislation;
 - putting the Policy and its strategies and procedures into practice;
 - ensuring that all their staff know their responsibilities (including the core competencies expected of all staff and managers which specifically include supporting equality) and receive support and training in ensuring they carry out these responsibilities in relation to equality and diversity;
 - ensuring that policies, procedures, practices and plans devised or updated consider equality impact and identify if equality can be promoted and any negative impact removed and that staff are consulted as appropriate;
 - ensuring appropriate student monitoring information is collected and analysed;
 - setting targets for recruitment, retention and achievement of students based upon the analysis of the data that is brought to the Equality and Diversity Group, SMT and Governing Body Committees;
 - assessment of curriculum areas in relation to equality and diversity issues, and to take appropriate action where necessary;
 - ensuring that learner induction programmes and tutorial programmes reflect the College's commitment to promote equality and diversity;
 - following the relevant procedures and taking action against staff or students who discriminate for reasons of gender, disability, marital status, religion, sexual orientation, age, faith, belief, colour, nationality, race or ethnic origin;
 - providing teaching and learning observation reports, which include criteria on equality and diversity issues where appropriate.

- 5.6 Every employee is expected to assist the College in meeting its commitment to provide equal opportunities to staff and students. Acts of discrimination, harassment, bullying or victimisation against any member of the College community is a disciplinary offence, and will be dealt with under the College disciplinary procedure. Any of the named acts may constitute gross misconduct and could lead to dismissal without notice.
- 5.7 All staff are responsible for:
- ensuring that they are aware of the College's statutory duties in relation to equality legislation and that they work within the Policy and Single Equality Scheme;
 - dealing appropriately with discriminatory behaviour or incidents and being able to recognise and tackle stereotyping or prejudice;
 - promoting equality and good relations and avoiding discrimination against anyone for reasons of gender, disability, marital status, religion or belief, sexual orientation, age, race or ethnic origin, gender identity/reassignment or status and pregnancy and maternity;
 - ensuring that documentation or resources produced demonstrate sensitivity to issues of equality and diversity.
 - all teaching staff must ensure they embed equality in the curriculum delivered where opportunities exist.
- 5.8 Any member of the College community can be held personally liable as well as, or instead of, the College, for any acts of unlawful discrimination. An individual who commits a serious act of harassment may be guilty of a criminal offence.
- 5.9 Contractors and Service Providers are responsible for:
- following and adhering to the Policy, Single Equality Scheme and any equality conditions in Contracts or Agreements. This is addressed as part of the tendering process and forms a mandatory element of the tender specification;
 - communicating our policy and progress to their employees.

6.0 COLLEGE ENVIRONMENT

- 6.1 The College seeks to make its buildings as welcoming and safe as possible for all groups.
- 6.2 Offensive and/or discriminatory material will not be displayed in any part of the College estates. This includes the supply of any stock for the refectory or library, curriculum materials or any political, social, religious or environmental campaign materials, which cannot justify a means of achieving a legitimate aim.
- 6.3 Access facilities for disabled persons will be made available on all College sites wherever possible (resources permitting).

- 6.4 Appropriate support facilities for individual staff and students will be considered.
- 6.5 The College will aim to maintain a clean and tidy environment and will ensure that offensive graffiti is erased quickly and effectively when discovered.

7.0 MARKETING

- 7.1 The Marketing Department are responsible for checking all publicity materials prior to release to ensure that they do not include negative images or representation of any protected characteristics. Marketing initiatives will be targeted in appropriate ways at underrepresented groups. The College's commitment to equality and diversity will be given wide publicity throughout the College, to outside agencies and to potential staff and students. All staff and students of the College will have access to the Policy and Scheme. Alternative formats of marketing and publicity documents will be made available on request.
- 7.2 Publicity and marketing materials will aim to project a positive image of under-represented groups where appropriate.
- 7.3 Course information and College recruitment advertisements will actively promote the College to encourage applications from members of under-represented groups in the community.
- 7.4 The College prospectus, Student Handbook will include a statement of the College's commitment to Equality and Diversity (the College website will publish the full policy) and will make students aware of the support services that are available in respect of facilities for students with disabilities and learning difficulties, access arrangements, learning support, guidance and counselling facilities.
- 7.5 Publicity and marketing information will be circulated as widely as possible/ reasonable within the community subject to resources.

8.0 EMPLOYMENT PRACTICE

- 8.1 All staff recruitment material will clearly state and reflect the College's commitment to equality and diversity and will promote the College as an equal opportunities employer.
- 8.2 The College will ensure that no job applicant will receive less favourable treatment than another on grounds of the named protected characteristics or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.
- 8.3 No College employee will discriminate unfairly, directly or indirectly in making selection decisions. The Selection Panel will normally consist of at least two persons and normally be chaired by the line manager or an appropriate manager. The panel may include an external specialist where appropriate. In the case of short-term agency appointments the line manager may complete selection alone. The College will aim to ensure all staff involved in recruitment have received training or adequate briefing and are supported by the HR section to operate our fair (equal opportunity), transparent and 'safe' selection process.
- 8.4 All applications will be assessed accurately to clear, objective and job related criteria.

- 8.5 The College will work in accordance with the Asylum and Immigration Act 1996 section 8 recruitment and selection requirements.
- 8.6 Staff with same sex partners shall be entitled to the same benefits in terms of special leave as their heterosexual colleagues.
- 8.7 Staff with carer responsibilities will be supported through access to dependent care leave.
- 8.8 Part-time and term-time working arrangements shall be considered where this is practical.
- 8.9 Requests for flexible and home working will be considered in line with service requirements.
- 8.10 Appropriate equality monitoring information (Age, Disability, Ethnicity, Gender, Sexual Orientation, Religion and Belief) will be collated during the recruitment of staff to ensure analysis can be undertaken and targets can be considered.
- 8.11 Where an employee makes a request for annual leave for a day related to a belief system, every attempt should be made to meet the request taking into account the needs of the College.
- 8.12 The College will treat sympathetically requests for unpaid extended leave of absence for religious purposes, such as pilgrimages, births, weddings, deaths in another country etc. Such requests will be granted if reasonable and practicable and in line with the needs of the College.
- 8.13 Participation in training and development activities will be monitored. Where appropriate if inequality becomes apparent, positive action will be taken to redress the imbalance, including such measures as:
- Providing training where appropriate, raising awareness and development opportunities;
 - Under-represented groups will be encouraged to apply for training and employment opportunities with the College;
 - Wherever possible, special training will be provided for such groups to prepare them to compete on genuinely equal terms for jobs and promotion. However, actual recruitment to all jobs will be strictly on merit.
- 8.14 The College was a recognised user of the Positive about Disabled People symbol until this was abolished in 2016 and therefore is committed to undertaking the following actions in relation to disabled applicants and staff. In considering the employment of staff with disabilities and in respect of current staff, we would make the following points:
- We interview all applicants with a disability who meet the minimum (essential) criteria for a job vacancy and consider them on their abilities;
 - Through the appraisal system, we ask employees at least once a year what we can do to ensure they can develop and use their abilities at work;

- We make every effort when employees become disabled to make sure that they stay in employment;
 - We provide training to develop employees' awareness of disability to follow on from the College's commitments;
- 8.15 The College will use any specific assistance packages provided by the Employment Service when/if the need arises to do so. These include Access to Work and the Supported Employment Programme.

9.0 MONITORING AND DATA COLLECTION (STAFF)

The Human Resources section will collect information relating to the ethnic, gender, age, sexual orientation, religion/belief and disability profiles of staff and applicants. The Director of HR will analyse the following information about staff/applicants and report the findings in the annual Equality and Diversity Staff Data Report. The findings will be presented to SMT, the Equality and Diversity Group and the Finance and General Purposes Committee of the Corporation.

- Numbers of staff in post by ethnicity, gender, disability, religion/belief, sexual orientation, marital status and age (comparisons will be made against appropriate equality data i.e. census data, Capel Manor College student data and sector data);
- Job applications and selection success rates;
- Staff Development activity re Equality development;
- Staff recruitment and promotion;
- Grievances, disciplinary and capability proceedings;
- Staff Satisfaction Surveys and Exit Interviews in relation to equality;
- Numbers of Governors in post by ethnicity, gender, disability, religion/belief, sexual orientation, marital status and age (comparisons will be made against appropriate equality data i.e. census data, Capel Manor College student data and sector data). The Governor data will also be reported by the Clerk to Governing Body to the Search and Governance Committee to help inform future Governor recruitment in line with skill requirements.

10.0 COMPLAINTS

- 10.1 The College will seek to provide a supportive environment for all members of the College community who make claims of discrimination or harassment based on equality grounds.
- 10.2 Any discriminatory behaviour directed at any individual or group will be dealt with under the College Disciplinary Procedures.

11.0 STUDENT ADMISSIONS PROCESS

- 11.1 Applicants for courses will be given clear and accurate information about courses through advertisements, recruitment videos, prospectuses, course leaflets, tasters and interviews. Information about courses shall be prominently displayed where it may reach all potential students. College admission and recruitment procedures will be clearly stated to allow ease of access to all potential students.
- 11.2 All students' recruitment material will clearly reflect the College's commitment to equality and diversity and promote a safe and welcoming environment to all sections of the community. Recruitment media will not imply that there is a preference for one group of applicants unless there is a genuine occupational restriction, in which case this will be clearly stated.
- 11.3 The College will ensure that no student will receive less favourable treatment than another on the grounds of any of the named protected characteristics outlined in 1.2 above. The College may take positive steps to encourage and support applications from under-represented groups; however admissions and selection decisions will be based on merit.
- 11.4 Entry qualifications for courses will include only those which are necessary and justifiable. Consistent criteria will be used when considering students for courses and those criteria will be made available to students. All interviews will be thorough, conducted on an objective basis, and shall only deal with applicants' suitability for the course, their ability to fulfil the course and College requirements. Advice and guidance will be available to all students to ensure that they enrol on the course which is most suitable for their needs, ability and experience.
- 11.5 The College will seek to address areas of meaningful under-representation in terms of gender, ethnic, age and disability profile (this will be expanded to include sexual orientation, , and religion/belief as the collection of this data develops) of the College through targeted positive action work where possible in line with available funding.
- 11.6 No College employee will discriminate unfairly, directly or indirectly in making selection decisions.
- 11.7 The College will promote the support and facilities available to students who have disabilities or learning difficulties throughout the application, selection and enrolment stages.
- 11.8 Learners will be made aware of the College's commitment to equality and diversity, informing learners about their rights and responsibilities and to promote equality for all protected characteristics'.

12.0 CURRICULUM, TEACHING AND LEARNING

- 12.1 All programmes of study will have open access, subject to meeting entry requirements and funding.
- 12.2 Where possible, programmes will be delivered by various modes of attendance and flexibility to allow access to as wide a group as possible, promote lifelong learning and support 'educational inclusion'.

- 12.3 It is a legal and ethical responsibility of all staff to conduct their teaching and learning activities in a non-discriminatory manner. Programmes of study will be delivered in a manner which is not discriminatory.
- 12.4 Wherever possible course content should consider the specific needs of disadvantaged groups. It will be the responsibility of course teams to eliminate gender, disability, marital status, religion or belief, sexual orientation, age, race or ethnic origin, gender identity, maternity or pregnancy assumptions and bias from their curricula. Exceptions are made only where such materials and activities are required for specific teaching purposes e.g. historical context.
- 12.5 Curricula, teaching and learning strategies, resources, course structures and attendance patterns will be designed to take into account the particular needs of individual students e.g. special help or equipment to overcome learning differences. Teaching and Learning observations will monitor the application of equality and diversity being embedded in the course and related materials and whether or not individual student needs are accounted for. Educational and careers guidance will be available to all students.
- 12.6 All staff have a responsibility to attempt to ensure equality of treatment for all students where external agencies are involved, e.g. work placements.
- 12.7 Work Placement Providers:
- All Work Placement Providers will receive a summary of their responsibilities under this policy, and will signify their understanding of and agreement to these responsibilities.
- 12.8 The College curriculum offer will be planned to provide the broadest range of Landbased opportunities to the widest communities possible.
- 12.9 Learning support will be available to students with identified needs.
- 12.10 The College will provide access to space for prayer for students on all College sites wherever possible.
- 12.11 Students are encouraged to discuss requests for leave of absence for the observation of prayer with their tutor. Staff are expected to take reasonable steps to provide the student with support to catch up on their work if this required (students are however expected to manage prayer around course requirements where possible).
- 12.12 Staff may authorise between 10-15 minutes for the observation of prayer. Staff will also need to ensure that minimum disruption is caused to students' programme of study.
- 12.13 In exceptional circumstances the Vice Principal may approve additional requests for religious observation.
- 12.14 The College will aim to meet various catering demands that meets religious and medical dietary requirements. The College will provide a catering service to meet the needs of the individual students where reasonably possible.

13.0 MONITORING AND DATA COLLECTION (STUDENTS)

13.1 The Vice Principal and Head of MIS will collect and analyse with support from the Director of HR the following information about students and report the findings in the annual Student Equality and Diversity Report. The findings will also be presented to the Academic Committee of the Corporation and the Equality and Diversity group.

- Participation and Achievement of students by School to reflect ethnicity, gender, disability, learning difficulty and age (this will be expanded to include sexual orientation, and religion/belief once such data is collected and provided in meaningful proportions);
- The report will also include comparisons against appropriate benchmark data i.e. the Census (for London) as well an analysis of:
- Arrangement and delivery of additional support for learners who require such support;
- Equality data in relation to Complaints;
- Equality data in relation to Gross Misconduct/Stage 3 Disciplinary.

A1 CIVIL LEGISLATION

Equality Act 2010 [2010]
European Convention on Human Rights [ECHR]
Human Rights Act [1998]
Education Act [1996, 2002 & 2006]

A2 CRIMINAL LEGISLATION

Racial and Religious Hatred Act [2006]
Public Order Act [1986]
Protection from Harassment Act [1997]
Crime and Disorder Act [1998]
Terrorism Acts [2000] & [2006]

A3 RELATED COLLEGE POLICIES OR PROCEDURES

Harassment and Bullying Policy and Procedure
Staff Code of Conduct
Staff Disciplinary Procedure
Recruitment and Selection Policy
Recruitment of Ex Offenders Policy
Child Protection and Vulnerable Adults Policy
Student Code of Conduct
Student Disciplinary Policy
Health and Safety Policy