

Hartlepool College
of Further Education



Getting it Right :
College protocols for Equality & Diversity

The Equality Act 2010 has placed new responsibilities on you, which you must be aware of and take seriously. If you have not taken the opportunity to attend a briefing session, please contact Viv McFarquhar, Assistant Principal, or Steve Barton, Legal Compliance Manager, who will be happy to ensure that you are fully conversant with your legal obligations. The system is available on all computers throughout the College so for members of staff who do not have regular access to a computer it can still be securely accessed via shared computers or in the Learner Core.

Establishing a professional relationship

It is easy to dismiss equality as just being politically correct but, in a just and fair democracy, every person should have the right to protection. If you can't ascribe to that view, you are already in danger of failing in your duty of general and specific equality. Sadly, there are cases in the news and in the courts every day relating to discrimination. The following protocol is written to avoid you becoming one of those statistics.

A good starting point is to **determine not to be deemed as offensive**. The Act is clear that it is the **effect** and not the intention that is key. If a person feels hurt by your words, deeds or what you allow to happen, then they are hurt. A common excuse is that the remark or act was only done in humour, but really every act of discrimination has a victim at the core. If you are making jokes about your students, that is no more than a misuse of your power for you have a duty to protect each and every individual in your care.

The legal framework

The Equal Pay Act, Sex Discrimination Act, Race Relations Act, Disability Discrimination Act and regulations relating to age, gender, faith and sexual orientation have all been withdrawn and replaced by The Equality Act 2010. Codes of Practice continue to be in force and relevant.

'Protected Characteristics' give people the right not to be discriminated against on any of the following grounds:

- *Age*
- *Disability*
- *Gender reassignment*
- *Pregnancy, maternity and breast feeding*
- *Race*
- *Religion or belief*
- *Sex*
- *Sexual orientation.*

What that means is that they are protected by law against anything you might do, say or allow to happen on these grounds.

The term 'reasonable adjustment' allows the College to make any allowances necessary to protect an individual's rights if they would otherwise suffer discrimination. All that is required of you is to contact Viv McFarquhar or your Head of School for advice about making a reasonable adjustment for an individual. Hartlepool College is an inclusive organisation and can evidence many examples where adjustment has enabled a student to be able to join or continue their studies. The right applies equally to members of staff.

What constitutes discrimination?

Discrimination relates to treating people less favourably because of a protected characteristic and can be direct or indirect. The Equality Act 2010 has strengthened the law by making it illegal to discriminate, either directly or indirectly, on the grounds of perception or association relating to any of the protected characteristics. For example, refusing a mature learner the opportunity to attend their disabled child's health appointment would constitute direct disability discrimination by association.

Direct discrimination occurs when it is obvious that the treatment is unfavourable. It applies to potential students as well as current students. For example, refusing to accept a person onto a course because of their sexual orientation on the grounds that they would not 'fit in' is direct discrimination.

Indirect discrimination occurs when an apparently neutral requirement would disadvantage people on the grounds of their protected characteristic. For example, insisting that all women wear short skirts as part of their uniform disadvantages women who, for religious reasons, stay covered, and is indirect discrimination. Serving wine at a College event but no soft drinks is indirect discrimination against people who abstain from drinking alcohol unless it can be objectively justified. For example, if the Flagship was hosting a wine tasting evening, it would be reasonable to expect that only wine is on offer on that basis.

Positive action

Positive action is a legal step that allows College to take into account, when selecting between two equally-qualified candidates, under-representation of disadvantaged groups, for example, women and people from ethnic minority communities. It is about creating a level playing field. Campaigns to promote inclusion or attract specific groups fall under the scope of positive action, an example of which is the Disability Sports Group.

Terminology

Age

Age discrimination occurs when someone is treated unfairly or badly compared to others because of their age. This happens because people have unfair, historic, stereotypical or prejudiced ideas or attitudes about older people or young people in particular. Discrimination causes a waste of talent and skills as well as undermining social cohesion. Age discrimination happens in a more indirect way, where a rule or condition has a greater negative impact on people of a particular age. For example, images chosen to promote a course may stereotype by age where the programme is relevant to all learners.

The College does need to evidence provision by age for audit. That is a legitimate use and the reason why we still ask for age on application forms.

Disability

The terms 'learning difficulties and/or disability' have been in use for some time. The Equality and Human Rights Commission recommends that the term 'disabled people' is used in preference to 'people with disabilities'. This reflects the emphasis on the social model of disability. A person is not disabled by impairment but through a lack of reasonable adjustment. Under the terms of the Act, a disability is 'a physical or mental impairment which has a substantial and long-term adverse effect upon a person's ability to carry out normal day-to-day activities.' A learning disability is defined as 'a significantly reduced ability to understand complex information or learn new skills (impaired intelligence), a reduced ability to cope independently (impaired social functioning) or a condition which started before adulthood (18 years of age), and has a lasting effect.'

The College places great emphasis on making reasonable adjustments to enable anyone to be able to study or work here. If you would like advice about the provision of Learning Support, please contact Clare Ferguson, ALS Manager, in the Learner Core.

Pregnancy maternity and breast feeding

The Equality Act clarified the rights of women not to be discriminated against because of pregnancy or illness as a result of the pregnancy or within the first 26 weeks after giving birth. A woman who chooses to breast-feed also has protection for the first 26 weeks after giving birth. This could be important to note when recruiting or during a student's course so that your practice is not deemed to be discriminatory. For example it would be direct discrimination on the grounds of pregnancy to refuse a pregnant applicant access to your learning programme. For more advice about recruiting learners, please contact Helen Richardson, Transitions Manager, in the Learner Core.

Race and ethnicity

There is no shared vocabulary in society for talking about race but the College is consistent in its approach. 'Ethnicity' is the most acceptable form of description. The term 'black minority ethnic' or the abbreviation "BME" is used in reports for purposes of audit to refer to a population group and can be objectively justified.

The words 'heritage', 'community' and 'background' are completely acceptable.

The term 'white' is used in many different contexts but generally refers to all people who describe themselves as white in the 2011 census as does the term 'Chinese' which covers Japan, Korea and other Chinese speaking nations such as Hong Kong and Taiwan.

Terminology (continued)

The term 'black' can be used to describe all people who share a common physical appearance. However, a distinction can be drawn between African and African-Caribbean communities, which are quite distinct.

The term 'Asian' is a general reference to Bangladeshi, Pakistani and Indian communities and may also refer to other people of South Asian heritage.

The most important thing to remember is that communities vary considerably in terms of migration, history, recent economic trends, religion, tradition, culture, language and even social class. Be sensitive to the background of any student, particularly their cultural heritage, and treat them as the unique individual they are.

Religion.

The UK's multi-cultural, multi-faith society is nothing new as people have migrated for religious reasons for hundreds of years. In the UK, there are at least 14 different faiths practised regularly, although Christianity remains the faith that the largest proportion of the population claims to practise according to the 2001 census. Religion, faith, philosophical belief or lack of belief and faith are very personal matters. Most faiths have some practices in common including prayer and worship, fasting and food rituals, festivals and etiquette. The College provides a Reflection Room which anyone of faith or no faith can use for quiet contemplation. A good place to find out about faiths is the AFAN (All Faiths and None) website. www.afan.uk.net. Here, you will find everything you need to know about faith and spiritual well-being.

You are also encouraged to join the College Faith Development Forum, which meets twice each term. Anyone of faith or no faith is welcome to join this group. Please contact Jo Fields in the Learner Core for more information.

Sexual Orientation

LGBT is the accepted term to describe lesbian, gay, bisexual and transgender people to signify an inclusive approach to a very diverse 'community'. There is no one idea or image of what it means to be gay, lesbian, bisexual or transgender. In fact, there is a wide variety of ways of living and what would suit one person will not suit another. Please remember how important the 'people' element is and don't lose sight of the human being.

Usually, it is not offensive to call a person 'gay' if that term is being used to describe a legitimate sexual identity of their choice. The problems occur when the word is used as a form of derision. It is then your duty to challenge it.

The definition of gender reassignment made it clear in the Equality Act that a transgender person does not have to be under medical supervision to be protected from discrimination and harassment.

LGBT people suffer from stereotyping and discrimination for reasons which include: homophobia – a hatred or fear of LGBT people; hostility by service providers holding an attitude about LGBT people; a lack of recognition of their sexuality and a lack of recognition of their relationships; prejudicial attitudes which we aim to eliminate within the College. If you would like more information about LGBT, please contact Jo Fields, Student Adviser, in the Learner Core, who will direct you to the local LGBT services or, additionally, why not join our consultation forum?

Resources

The Equality and Human Rights Commission is the independent statutory body for the promotion of human rights, the elimination of discrimination and inequality. You will find valuable information and articles on the site and a link to legislation:

www.equalityhumanrights.com

For the latest thinking and signposting to discussion documents, white papers and legislation, go to the Government website:

www.direct.gov.uk

There are many good resources available to help you understand your obligations in relation to Equality and Diversity. A very helpful website, full of interesting articles, is provided by the organisation Equality North East:

<http://www.equality-ne.co.uk>



Hartlepool College of Further Education
Stockton Street, Hartlepool TS24 7NT
01429 295000
enquiries@hartlepoolfe.ac.uk

