

## Equal Opportunities Policy

### 1. Policy Statement

- 1.1 Huddersfield New College is committed to making every effort to ensure that anyone who comes into contact with the organisation is treated with courtesy, dignity and respect irrespective of race (including colour, ethnic or national origin or nationality), gender, marital or civil partnership status, maternity and pregnancy, age, disability, sexual orientation, gender reassignment and religion or belief. Throughout this policy these are referred to as the 'protected characteristics'.
- 1.2 Our aim is to ensure that all individuals including job applicants, staff, students and others with whom we work, are treated fairly and equally and that we provide a safe working environment free from all forms of discrimination, harassment and bullying. The College has a separate Anti-Bullying and Harassment Policy, which addresses these issues.
- 1.3 This policy is intended to support the College to put its commitment to providing equality of opportunity and opposing unlawful discrimination into practice. Compliance with this policy should also ensure that no member of the College community (staff, students and Corporation members) commits unlawful acts of discrimination.
- 1.3 This policy relates to the College's vision, mission and values.
- 1.5 Current relevant legislation includes:
  - The Equalities Act 2010

### 2. Scope

- 2.1 The scope of this policy and its associated ways of working are applicable to all staff and for the purpose of this policy, the definition of staff encompasses the following:
  - Existing employees
  - Potential employees
  - Governors
  - Workers (as defined by employment legislation, and including agency temps)
  - Trainee workers and students on work experience of placements
  - Contract workers
  - Volunteers

The scope of this policy also covers:

- Partners
  - Suppliers
- 2.2. This policy provides guidance about the behaviour expected in the workplace. We expect to achieve this by:
    - Promoting equality of opportunity for all
    - Promoting a safe and harmonious environment in which to work and in which everyone is treated with respect
    - Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation

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- Fulfilling our legal obligations under the Equality Act 2010 and associated codes of practice
- Taking lawful affirmative or positive action, where appropriate
- Regarding all breaches of the Equal Opportunities Policy as misconduct or gross misconduct, as appropriate

### 3. General Principles

- 3.1 The College is particularly concerned to ensure that equality of opportunity is maintained and that individuals are treated appropriately and fairly in; recruitment and selection processes, training, promotion and career development, terms of employment, benefits, facilities and services, grievance, and disciplinary and capability procedures.
- 3.2 The College will ensure that all managers with responsibility for any of the areas of particular attention are provided with the appropriate equality and equal opportunities training where necessary, and updated as required. Other staff may also be required to attend equal opportunities training, as appropriate. Attendance at training sessions will be compulsory to those who are notified that they should attend a course.
- 3.3 As a minimum, the College will monitor the ethnic, gender, declared disability and age composition of the existing staff body and job applicants. The College will consider and take any appropriate action to address any issues that may be identified as a result of the monitoring process.
- 3.4 The College will not discriminate in the selection of staff for recruitment or promotion, but may use appropriate lawful methods including lawful positive action, to address identified under-representation of any group in particular types and levels of vacancies.

### 4. Individual Responsibilities

- 4.1 Every employee is required to assist the College to meet its commitment to provide equality of opportunity in employment and study and avoid unlawful discrimination.
- 4.2 Employees can be held personally liable as well as, or instead of, the College for any act of unlawful discrimination.
- 4.3 Breaches of the College's Equal Opportunities Policy including acts of discrimination, harassment, bullying or victimisation against staff, students or stakeholders will be regarded as misconduct and will be subject to the College's disciplinary procedures. Discrimination, harassment, bullying or victimisation may constitute misconduct or gross misconduct, as appropriate.

### 5. Types of Discrimination

- 5.1 Discrimination can come in many forms. The Equality Act 2010 describes groupings as follows:

#### **Direct discrimination**

This occurs when a person is treated less favourably because of a protected characteristic that they have or are thought to have. For example making decisions about whether someone should be offered, or not offered, a job because of a protected characteristic or treating colleagues or stakeholders differently because of a protected characteristic.

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Direct discrimination can also occur by way of association, which is when a person is treated less favourably because, for example, their spouse, civil partner or relative has a protected characteristic.

### **Indirect discrimination**

This occurs when a provision, criterion or practice is applied to everyone but has a disproportionate adverse impact on people with a particular protected characteristic. For example, where an employer requires a role to be full-time. This could potentially disadvantage women overall, as they are more likely to want, or need, part-time hours to facilitate child caring arrangements. To be justified the provision, criterion, or practice must be necessary for legitimate business reasons in circumstances where less discriminatory alternatives are not reasonably available.

### **Discrimination by Association**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, an employee being treated less favourably because they campaigned to help someone with a particular protected characteristic or refused to act in a way that would disadvantage a person who have, or believes to have, the characteristic. This again could be direct discrimination by association.

### **Perception Discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, discrimination against someone because he or she is wrongly perceived to have a certain protected characteristic, for example where an employer believes an employee is gay, or is of a particular race, and treats them less favourably as a result. It applies if the person does not actually possess that characteristic.

### **Victimisation**

Victimisation is treating a person unfavourably because the person has made a complaint, acted as a witness to a complaint or initiated proceedings connected with a complaint of discrimination.

### **Harassment**

Employees can complain of harassment even if they don't personally possess the protected characteristic or the harassment is not directed at them. Talk to your manager in the first instance.

We will take all reasonable steps to ensure that staff are protected against harassment and it will be and a disciplinary offence to harass an employee. Where harassment is related to a protected characteristic it will also be unlawful.

## **6. The Prevent Duty**

6.1 See the College's published Safeguarding and Prevent policies and protocols.

## **7. British Values**

7.1 The Prevent Duty requires staff and students to exemplify the following British Values:

- Democracy
- The rule of Law
- Individual Liberty
- Mutual Respect

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- Tolerance of those with different faiths and beliefs

7.2 The Principal will lead on ensuring these are integral to leadership, teaching, support services and the behaviours of staff. The Chair and the Clerk will lead on ensuring they are integral to Governance.

7.3 The College's approach to embedding British Values is consistent with our overarching approach to equality, diversity and inclusion whilst also taking into account best practice in terms of safeguarding staff, students and stakeholders.

### 8. Equal Opportunities in Employment

8.1 We understand that it is important that our recruitment and selection processes are free from bias or discrimination. Recruitment processes will be conducted objectively and will be based upon specific and reasonable role-related criteria. Decisions regarding an individual's suitability for a particular role will be based on aptitude and ability.

To ensure all recruitment and selection decisions adhere to the specific legislation, the following guidelines will be followed:

- Advertise (internally or externally, as appropriate) so that the widest possible pool of applicants is reached
- Ensure processes and decisions are supported by documentation based on role requirements
- Design job descriptions and person specifications that are role specific
- Ensure that interviews and other selection methods are conducted fairly and consistently with outcomes recorded
- Interviewers will be trained and be equipped with the necessary skills to enable them to collect objective evidence and use standards or specific criteria which are consistent for the role
- Appropriate interview notes will be made to support any decisions
- We will take all reasonable steps to make recruitment decisions based on ability and aptitude without regard to protected characteristics. No decision will be made which cannot be objectively justified
- All applicants will be treated equally. Selection will be based on the role requirements and the individual's suitability and ability to do, or train for, the role in question
- No assumptions will be made about an individual's ability to perform tasks and decisions will be made based on the information available

We will consider making appropriate reasonable adjustments to the recruitment process to seek to prevent disadvantages to disabled applicants.

8.2 The College will avoid unlawful discrimination in all aspects of employment including promotion, opportunities for training, pay and benefits, discipline processes and selection for redundancy.

8.3 The College will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. This also includes considering 'flexible working' requests permitted by law and any other requests for variations to standard working practices. The College will comply with its obligations in relation to statutory requests for flexible working and will only decline such requests in accordance with the statutory procedure. The College will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

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### 9. Raising a Complaint (Grievance Policy)

- 9.1 Any complaint relating to discrimination, should be reported following the College's Grievance Policy.
- 9.2 The College will take any complaint seriously and will seek to resolve any grievance that it upholds. The complainant will not be penalised for raising a grievance, even if the grievance is not upheld, unless there is a genuine belief that the complaint is both untrue and made in bad faith.
- 9.3 Use of the College's grievance procedure does not affect a staff member's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the act of discrimination about which the complaint is made.

### 8. Suppliers and Stakeholders not employed by the College

- 9.1 The College will encourage all parties to demonstrate respect for others at all times.

### 11. Implementation

In order to implement this policy we will:

- Ensure job applicants, all categories of staff and other groups are made aware of their responsibilities to create and maintain an environment in which respect for others is paramount and discrimination, bullying and harassment are challenged and minimised
- Provide equal opportunities training to leaders, managers and others likely to be involved in recruitment or other decision-making where equal opportunities issues may arise
- Ensure that those involved in assessing candidates for recruitment, selection and promotion receive guidance in non-discriminatory selection techniques
- Incorporate the importance of committing to the Equal Opportunities policy into job descriptions and work objectives
- Obtain commitments from other persons or organisations such as subcontractors and agencies that they too will comply with the policy in their work with the College, our staff body and our students (e.g. via the Supplier Code of Practice)
- Inform all staff of the policy during their induction programme and the procedures to follow if harassment or bullying arise
- Display our in-house 'Respect' posters and other Equality, Diversity and Inclusion materials in prominent positions around the College
- Expect all staff to recognise that they are responsible for supporting and demonstrating the policy
- Provide training and specific information for all staff to ensure they gain the knowledge, skills and awareness necessary to operate the College's policy and to adhere to relevant legislation efficiently and effectively, and to communicate this to other staff
- The policy will be published to all staff on the College website

### 13. Equality Impact Assessment (EIA)

- 13.1 The full Equality Impact Assessment is held by the Human Resources department.

### 14. General Data Protection Regulations (GDPR)

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14.1 Information provided to Huddersfield New College in relation to this policy is processed for the purpose of performance of the employment contract, to enable us to comply with our obligations and exercise our rights as an employer and to enable our staff to exercise their rights as members of staff. The information will be accessed by members of the HR team for the purposes of managing and monitoring employees.

Version	Date	Policy Owner	Comments	Approval Route and Date	Provenance	Date of Next Review	Equality Impact Assessment Completed (Y/N)
1.	January 2011	Zoe Shackleton	Updated Policy	12 <sup>th</sup> April 2011 – Corporation meeting	Updated to reflect the provisions of the Equality Act 2010	-	Y
2.	January 2013	Zoe Shackleton	Updated Policy	-	Updated job titles and references to other policy documents. No fundamental revisions required.	-	Y
3.	December 2013	Zoe Shackleton	Updated Policy	SLT and Corporation	Updated to reflect developments in the College's practices and approach to ensuring equality of opportunity.	December 2015	Y
4.	November 2014	Zoe Shackleton	Updated Policy	SLT and Corporation 04/11/14	Updated to reflect changes in legislation and the College's approach	November 2015	Y
5.	November 2016	Zoe Shackleton	Updated Policy	Corporation 16/11/16	Updated to reflect updates to legislation and to incorporate references to the Prevent Duty and British Values	November 2018	Y
6.	May 2020	Lisa Secker	Updated into new format and GDPR clause added.	SLT and Remuneration & Personnel Committee	Review of Policy	May 2023	Y

# Equal Opportunities Policy



This document provides guidance when completing an Equality Impact Assessment (EIA). The EIA template can be found at the end of this document.

Huddersfield New College is committed to promoting equality and participation in all our activities, whether this is related to the work we do with our external stakeholders or our responsibilities as an employer. We are committed to eliminate discrimination, advance equality of opportunity, and foster good relations when making decisions and developing policies. To do this, it is necessary to understand the potential impacts of the range of internal and external activities on different groups of people.

### **What is an Equality Impact assessment (EIA) and why do we need to complete one?**

An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure that their policies, practices, and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. This covers both strategic and operational activities.

The term 'policy', as used throughout this document, covers the range of functions, activities and decisions for which our organisation is responsible e.g. strategic decision-making, training courses and employment policies.

The EIA will help to ensure that:

- We understand the potential effects of the policy by assessing the impacts on different groups both external and internal
- Any adverse impacts are identified and actions identified to remove or mitigate them
- Decisions are transparent and based on evidence with clear reasoning

### **When might I need to complete an EIA?**

Whether an EIA is needed or not will depend on the likely impact that the policy may have and relevance of the activity to equality. The EIA should be done when the need for a new policy or practice is identified, or when an existing one is reviewed. Depending on the type of policy or activity advice can be sought from either the HR team, Director of EDIE or SLT Lead.

### **Who is responsible for completing and signing off the EIA?**

The author of the policy should complete the assessment, which will then require final approval by the SLT Lead.

### **What is discrimination?**

Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality Act are referred to as protected characteristics: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex (gender), and age.

Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality is when you identify ways to remove barriers and improve participation for people or groups with a protected characteristic.

### Building the evidence, making a judgement

In cases of new policies or management decisions there may be little evidence of the potential effect on protected characteristic groups. In such cases you should make a judgement that is as reliable as possible. Consultation will strengthen these value judgements by building a consensus that can avoid obvious prejudices or assumptions.

### Consultation

Consultation can add evidence to the assessment. Consultation is very important and key to demonstrating that organisations are meeting the equality duties, but it also needs to be proportionate and relevant. Considering the degree and range of consultation will safeguard against 'groupthink' by involving a diverse range of consultees. These are the key considerations, to avoid over-consultation on a small policy or practice and under-consultation on a significant policy or an activity that has the potential to create barriers to participation.

### Provisional Assessment

At the initial stages, you may not have all the evidence you need so you can conduct a provisional assessment. Where a provisional assessment has been carried out, there must be plans to gather the required data so that a full assessment can be completed after a reasonable time. The scale of these plans should be proportionate to the activity at hand. When there is enough evidence a full impact assessment should be prepared. Only one EIA should be created for each policy, as more evidence becomes available the provisional assessment should be built upon.

### Valuing Differences

EIAs are about making comparisons between groups of employees, service users or stakeholders to identify differences in their needs and/or requirements. If the difference is disproportionate, then the policy may have a detrimental impact on some and not others.

### Evaluation Decision

There are four options open to you:

1. No barriers or impact identified, therefore activity will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias, or
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken). Therefore you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

In most cases, where disproportionate disadvantage is found by carrying out EIAs, policies **and practices are usually changed or adapted**.



### Equality Impact Assessment

Question	Response
<b>1. Name of policy being assessed</b>	Equality Opportunities Policy
<b>2. Summary of aims and objectives of the policy</b>	<p>Huddersfield New College is committed to making every effort to ensure that anyone who comes into contact with the organisation, is treated with courtesy, dignity and respect irrespective of race (including colour, ethnic or national origin or nationality), gender, marital or civil partnership status, maternity and pregnancy, age, disability, sexual orientation, gender reassignment and religion or belief (throughout this policy referred to as the ‘protected characteristics’).</p> <p>Our aim is to ensure that all individuals including job applicants, employees, students and others with whom we work are treated fairly and equally and that we provide a working environment free from all forms of discrimination, harassment and bullying. The College has a separate Anti-Bullying and Harassment Policy, which addresses these issues.</p> <p>This policy is intended to assist the College to put its commitment to providing equality of opportunity and opposing unlawful discrimination into practice. Compliance with this policy should also ensure that no member of the College community (employees, students and Corporation members) commits unlawful acts of discrimination.</p> <p>This policy relates to the College’s vision, mission and values.</p>
<b>3. What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)</b>	<p>Focus groups with key stakeholders. Consultation with Unions.</p> <p>The original policy has been previously approved by the Safeguarding Group, Senior Leadership Team and Corporation.</p> <p>Initially the Equal Ops and Anti-Bullying and Harassment Policies were drafted as a merged document, but agreement at Remuneration and Personnel Committee in January 2020 to separate out again for further review and possible updating.</p> <p>The policy has been reviewed and updated into a new format with content being benchmarked against current employment legislation and best practice.</p>

Guidance and Assessment Template

<p><b>4. Who is affected by the policy?</b></p>	<p>Existing employees                  Potential employees                  Workers (as defined by employment legislation, and including agency temps)                  Trainee workers and students on work experience of placements                  Partners                  Contract workers and suppliers                  Volunteers</p>
<p><b>5. What are the arrangements for monitoring and reviewing the actual impact of the policy?</b></p>	<p>The policy will be monitored on an ongoing basis in relation to diversity and inclusion matters.</p> <p>The policy will be reviewed formally every 3 years.</p>

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment made)
Disability	Positive Impact	The policy is compliant with all relevant employment legislation and has been written so as to ensure fair/equal treatment of all.  The policy has been in place since 2011 with periodic review to ensure it remains up to date and fit for purpose.	N/A
Gender reassignment	Positive Impact	“ “	N/A
Marriage or civil partnership	Positive Impact	“ “	N/A
Pregnancy and maternity	Positive Impact	“ “	N/A
Race	Positive Impact	“ “	N/A
Religion or belief	Positive Impact	“ “	N/A
Sexual orientation	Positive Impact	“ “	N/A
Sex (gender)	Positive Impact	“ “	N/A
Age	Positive Impact	“ “	N/A



Evaluation:

Question	Explanation / justification	
Is it possible the proposed policy could discriminate or unfairly disadvantage people?	By its very nature, the policy has been written to address and eliminate discriminatory behaviours and actions.	
Final Decision:	Tick the relevant box	Include any explanation / justification required
1. No barriers identified, therefore activity will <b>proceed</b> .	√	Intelligence related to HR best practice and ACAS guidance. Experience of HR and unions on positive impact this policy has had on previous cases.
2. You can decide to <b>stop</b> the policy or practice at some point because the data shows bias towards one or more groups		
3. You can <b>adapt or change</b> the policy in a way which you think will eliminate the bias		
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.		

<b>Reviewed by:</b> (Author)	Lisa Secker
<b>Date:</b>	17/02/20
<b>Review date</b> (if applicable):	2023
<b>Approval by:</b> (SLT Lead)	<i>Angela Williams</i>
<b>Date:</b>	27/05/20