



## **GUILDFORD COLLEGE GROUP POLICY**

**ACADEMIC/NON ACADEMIC:** Non-Academic

**FRAMEWORK AREA:** Human Resources

**POLICY TITLE:** Equality and Diversity and Dignity at Work

**LEAD COLLEGE MANAGER:** Principal & CEO

**Consulted with:** Joint Consultative Committee  
Guildford College Group  
Management Team Equality  
and Diversity Forum

**DATE OF VERSION:** October 2018

**ORIGINATOR:** Executive Director for Workforce  
Development

<b>Status: FINAL</b>	<b>Approved by: Corporation Board</b>
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**Supersedes:** Equality and Diversity Policy April 2015

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## **EQUALITY AND DIVERSITY POLICY (incorporating Dignity at Work)**

### **1. Introduction**

- 1.1 This Policy is based on the knowledge that discrimination exists within today's society and that discrimination prevents people from realising their full potential in the workplace. No one should suffer discrimination at work. This Policy aims to progress the equality agenda within the Guildford College Group with a view to delivering outstanding education. It is recognised that this requires a proactive approach to mainstream equality into all policies, procedures, decisions and activities.
- 1.2 The Guildford College Group recognises and encourages the valuable and enriching contribution of all who work within the Guildford College Group and the rights of all individuals who come into contact with the Guildford College Group, such as prospective students, job applicants and other stakeholders. This Policy provides the overarching Guildford College Group vision, values and commitments in relation to equality and diversity. It reflects the provisions of the Equality Act 2010.
- 1.3 We are committed to advancing equality of opportunity, respecting and celebrating differences, eliminating discrimination, harassment and victimisation and fostering good relations between all who work or learn at the Guildford College Group, or use our services.
- 1.4 The Corporation believes that 'unacceptable behaviour' is behaviour that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Unacceptable behaviour will not be tolerated by anyone and will be challenged.
- 1.5 This Policy should be read in conjunction with the Guildford College Group's Safeguarding Professional Code of Conduct for staff.
- 1.6 This Policy also takes account of the guidance in 'Further Education: Guide to the 0 to 25 SEND Code of Practice' issued in September 2014.

### **2. Scope**

- 2.1 This Policy applies in relation to all employees and students in the Guildford College Group. Commitments to equality of opportunity also extend to potential future employees who apply to work in the Guildford College Group.

- 22 Although this guidance refers to employees throughout, the Guildford College Group should be aware of their wider responsibilities to provide a dignified and positive working environment, free from discrimination, for all who work on the Guildford College Group premises and in all activities undertaken in the course of their employment.
- 23 It should be noted that individuals are personally accountable for their behaviour and may be held liable for acts of discrimination. All individuals who work or visit the Guildford College Group premises, including Corporation members, agency workers, contract workers and volunteers, are therefore expected to support the Guildford College Group's commitment to equality and diversity.

### **3. Our Commitment**

- 31 The Guildford College Group encourages, celebrates and values the diversity of the workforce and is committed to the equality of treatment for all employees. Engaging employees from a variety of backgrounds at all levels of responsibility and across all areas of work will provide positive role models for students and staff who identify with a protected characteristic.
- 32 The Guildford College Group will seek not only to eliminate discrimination, but also to provide a positive working environment free from discrimination, harassment and victimisation, where all employees are treated with respect and dignity.
- 33 The aim is to create a positive and inclusive ethos where issues of discrimination and stereotyping can be discussed openly; with a shared commitment to challenging and preventing discrimination (whether overt or covert), to respecting diversity and difference, and to encourage good relations between different groups.
- 34 Discriminatory behaviour against employees will not be tolerated, whether that behaviour comes from other employees, students or third parties, such as employers, contractors or members of the public.
- 35 In ensuring that the Guildford College Group's commitments are fully effective, and that all employees are committed to them, we will work with recognised trade unions, the Equality and Diversity Forum and with employees, including those who identify with a protected characteristic, in the development and implementation of equality policies and objectives.

### **4. Responsibility for Implementing the Policy**

- 4.1 The Corporation will ensure that the Guildford College Group Strategic Plan has a commitment to equality and diversity; that they receive and review reports on staff and student equality and diversity; that they monitor progress towards the Guildford College Group's Equality & Diversity Impact Measures (EDIMs).

42 The Senior Leadership Team will take an active and visible lead in driving forward equality and diversity; provide reports to the Corporation; oversee implementation of this Policy; ensure equality and diversity data is embedded within self assessment reports and development plans and agree quality targets with managers

## **5. Monitoring**

5.1 The effectiveness of this Policy in ensuring we are meeting our commitments will be monitored through the regular collection and analysis of data that should be as unobtrusive to individuals as possible, commensurate with this objective.

5.2 The Guildford College Group monitoring of the implementation and effectiveness of the Policy will be the responsibility of the Senior Leadership Team and will be undertaken on its behalf by the Equality and Diversity Forum. Faculties and Departments will be responsible for the gathering and analysis of data as required. Outcomes from analysis of information collated will inform self-assessment processes and Guildford College Group improvement plans. Regular reports assessing the Guildford College Group's progress in meeting commitments and improving practice will be submitted to senior managers and governors, together with equality improvement targets.

5.3 The Guildford College Group will publish annually on our website an Equality and Diversity report summarising the profile of protected characteristics of the Guildford College Group employees as well as the Minutes and reports of the Equality and Diversity Forum.

## **6. Principles**

6.1 This Policy is underpinned by principles to which all the Guildford College Group employees, students and stakeholders should adhere, namely:

- a. To create an environment in which individual differences and the contributions of all our staff and students are recognised and valued;
- b. That successful implementation of the Equality and Diversity Policy is the responsibility of all the Guildford College Group staff, students and stakeholders;
- c. That all students, staff and other stakeholders of the Guildford College Group will be treated with fairness, respect and sensitivity;
- d. To aim to create and maintain a working and learning environment where all will have the opportunity to fully participate in order to achieve their full potential in a climate free from discrimination, bullying or harassment.

62 Breaches of this Policy will be regarded as misconduct and could lead to disciplinary action, after appropriate investigation, being taken.

63 All staff will be required to attend regular development opportunities to ensure they are aware of, and adhere to, this Policy.

## **7. Public Sector Equality Duty**

7.1 The Equality Act 2010 introduced a new Public Sector Equality Duty (“the duty”), which consists of the general equality duty with its three main aims, and specific duties designed to help the Guildford College Group meet the general duty by improving the focus and transparency of their activities.

7.2 Complying with the specific duties is a necessary part of complying with the general Equality Duty, but it is not sufficient in itself. Complying with the general Equality Duty requires having due regard to the need to achieve the aims of the Duty across all of the Guildford College Group’s functions.

### **7.3 The General Duty**

7.3.1 In accordance with the General Equality Duty the Guildford College Group will, in carrying out its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

7.3.2 Eliminating discrimination and advancing equality of opportunity involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- encouraging people from protected groups to participate in activities where their participation is disproportionately low;
- taking steps to eliminate harassment related to each protected characteristic; and promoting positive attitudes towards each protected characteristic, for example attitudes towards women, disabled people, people of certain age groups or religious beliefs, transsexual people, lesbian, gay or bisexual people, or ethnic minority groups.

- 7.3.3 'Due regard' involves thinking consciously about how existing and proposed policies and practices impact on equality. This includes how employees are treated, the design and delivery of services and how financial decisions are made.
- 7.3.4 Fostering good relations involves tackling prejudice and promoting understanding between people from different groups. Complying with the Duty may involve treating some people more favourably than others, although it is important to ensure that in doing so there is no breach of then on-discrimination provisions of the Act.

#### 7.4 The Specific Duties:

- 7.4.1 In accordance with the specific Equality Duties, the Guildford College Group will, in summary, publish equality information and prepare and work towards equality objectives.
- 7.4.2 The information published will include, in particular, information relating to employees who share a relevant protected characteristic; and will seek to demonstrate the extent to which the Guildford College Group is furthering the aims of the general equality duty for its employees and for others with an interest in the way it performs its functions.

### 8. **Protected characteristics**

8.1 This joint agreement on guidance covers all the protected characteristics contained in the Equality Act, namely:

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

8.2 Each protected characteristic is defined below.

8.2.1 **Age:** A reference in the act to a person who has the protected characteristic of age is a reference to a person of a particular age group or a person who shares a particular age group. An 'age group' is a group of persons defined by reference to age, whether to a particular age or a range of ages. The Guildford College Group will not discriminate against any employee because of his/her age or to the age group they belong to.

- 8.2.2 **Disability:** A person is defined as disabled under the Act if he/she has a physical or mental impairment which has a long-term and substantial adverse effect on his/her ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments. Non-disabled employees who are (wrongly) perceived to be disabled will also be protected from direct disability discrimination and harassment.
- 8.2.3 **Gender reassignment:** References to transsexual people under the act covers employees who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex, i.e. gender reassignment. There is no requirement that the process of gender reassignment includes medical supervision. It is recognised that there may be differences between physical sex and gender identity. This joint agreement on guidance relates not only to the protected characteristic of gender reassignment, but also to the wider trans community.
- 8.2.4 **Marriage and civil partnership:** The Guildford College Group will not discriminate against any employees because they are married or are in a civil partnership. Marriage will cover any formal union of two people which is legally recognised in the UK as a marriage. A civil partnership refers to a registered civil partnership of a same sex couple under the Civil Partnership Act 2004, including those registered outside the UK. Only people who are married or in a civil partnership are protected against discrimination on this ground.
- 8.2.5 **Pregnancy and maternity:** The Guildford College Group will not treat a woman unfavourably because of her pregnancy or related illness, or because she is on maternity leave or seeking to take maternity leave. The Guildford College Group must also not discriminate against an employee because of his/her association with a woman who is pregnant or who has recently given birth.
- 8.2.6 **Race:** The Guildford College Group will not discriminate against any employee because of his/her colour, nationality or ethnic or national origins.
- 8.2.7 **Religion or belief:** The Guildford College Group will must not discriminate against any employee because of his/her religion or philosophical belief, or because of his/her lack of religion or belief. The EHRC provides guidance on the definition of a “philosophical belief” as being:
- genuinely held;
  - a belief and not an opinion or viewpoint based on the present state of information available;
  - 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 of respect in a democratic society, not incompatible with human dignity and not conflict with the fundamental rights of others.

Throughout this Policy, references to religion or belief or lack of a religion or belief will be covered by the term “belief systems”.

8.2.8 **Sex:** The Guildford College Group will not discriminate against any employee because of his/her sex.

8.2.9 **Sexual orientation:** Employees must not be discriminated against because of their sexual orientation, whether that be towards:

- people of the same sex (i.e. the employee is a gay man or a lesbian);
- of the opposite sex (i.e. the employee is heterosexual);
- people of both sexes (i.e. the employee is bisexual);
- people who are questioning their sexual orientation;
- People who see themselves as gender neutral.

## 9. Types of discrimination

9.1 Discrimination occurs when a person (or group) is treated less favourably than others. It can take different forms and this section describes the different types of discrimination, or ‘prohibited conduct’, under the Act.

9.2 **Direct discrimination:** is less favourable treatment because of a protected characteristic. Direct discrimination occurs if a person has the characteristic, is perceived to have the characteristic or because they associate with someone who has a protected characteristic. Direct discrimination in relation to age can be objectively justified.

9.3 **Indirect discrimination:** may occur when an apparently neutral provision, criterion or practice is applied to everyone, but which puts employees who share a protected characteristic at a particular disadvantage; and this cannot be justified as a proportionate means of achieving a legitimate aim.

9.4 **Discrimination arising from disability:** is where a disabled employee is treated unfavourably not because of his/her disability itself but because of something arising from, or in consequence of it, and that treatment cannot be justified as a proportionate means of achieving a legitimate aim.

9.5 **Discrimination by association:** is direct discrimination because of an employee’s association with a person who has a protected characteristic (not including marital or civil partnership status). This applies regardless of whether the employee has the protected characteristic personally. Discrimination by association for pregnancy and maternity is not included specifically in the Act. However an employee could complain of sex discrimination by association if treated less favourably because their partner is pregnant or on maternity leave.

- 96 **Discrimination by perception:** is direct discrimination against an employee because he/she is mistakenly believed to have a protected characteristic (not including marital or civil partnership status).
- 97 **Harassment:** is unwanted conduct relating to a protected characteristic, which has the effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee.
- 98 **Victimisation:** occurs when an employee is treated less favourably because he/she has, in good faith, done a protected act (e.g. made or supported a complaint, or raised a grievance) regarding a protected characteristic.
- 99 **Reasonable adjustments:** are those adjustments made to remove barriers preventing people from integrating into the workplace. The duty to provide reasonable adjustments is a positive duty to remove any barriers or provide extra support to disabled employees in the workplace and for applicants during the recruitment process. Failure to make that adjustment may amount to discrimination.
- 9.10 **Objective Justification:** is the process by which an employer may be able to objectively justify discrimination as being a proportionate means of achieving a legitimate aim. If challenged it is for the employer to justify the provision, criterion or practice so evidence should be produced to support any assertion that the discrimination is justified. Considerations should be made for justification on the merits of each individual case.
- 9.11 The question of whether the provision, criterion or practice is a proportionate means of achieving a legitimate aim should be approached in two stages:
- Is the aim of the provision, criterion or practice legal and non-discriminatory, and one that represents a real, objective consideration?
  - If the aim is legitimate, is the means of achieving it proportionate – that is appropriate and necessary in all circumstances?

## 10. Employees

- 10.1 Equality, diversity and inclusion (EDI) is about good employment practices that lead to everyone being treated in line with EDI principles. We will actively monitor our performance to ensure we are meeting our commitments. For example we will gather and use the following information to monitor and improve practice:
- Recruitment processes;
  - Staff profile;
  - Grievance Records;
  - Disciplinary Records;

- Complaints;
  - Staff Progression;
  - Access to and satisfaction with staff development opportunities.
- 102 Recruitment advertisements will indicate the Guildford College Group is an equal opportunity employer and will include the Positive about Disability 'two ticks' logo as well as the Investors in Diversity logo.
- 103 Neither recruitment advertisements nor post details will include provision, criterion or practice (PCP's) which have an adverse impact in relation to the protected characteristics. In some cases lawful PCPs could have an adverse impact which is justifiable, such as language requirements.
- 104 At interview applicants will not be asked questions which may be considered discriminatory and members of the interview panel will have received equality and diversity training. Equality and diversity monitoring information will be kept separate from application forms and will remain anonymous. The interview panel will not be provided with this information and it will be used for monitoring purposes only.
- 105 Applicants invited for interview will be asked if any reasonable adjustments need to be made to accommodate their needs when they attend for interview and other selection exercises.
- 106 All employees will be asked to complete log on iTrent their sex, ethnic origin, age, marital status, religion or belief, sexual orientation and any disabilities. The submission of this data is optional. The information will be used for monitoring the effectiveness of targets to have a workforce that reflects the local population and also the aim of fostering good relations between the protected characteristics, in line with the provisions of the Equality Act 2010. Such information will remain anonymous.
- 107 An individual, when offered a post, will be required to complete a health questionnaire so that the Guildford College Group is able to make any reasonable adjustments which may be required.
- 108 The Guildford College Group will pursue non-discriminatory practices relating to pay and conditions.
- 109 We will provide reasonable adjustments for any staff or students who are, or who become, disabled. We will fully discuss individual requirements, and the Guildford College Group's ability to meet them, with the employee. Where appropriate, we will also take professional advice on the needs of employees who are, or who become, disabled.

## **11. Student Recruitment**

- 11.1 The process of gaining admission to the Guildford College Group programmes will be clearly expressed and structured to allow, wherever possible, ease of access to all students throughout the year where appropriate.
- 11.2 During the admissions process, students will be asked about their ethnic origin and any learning difficulties and/or disabilities. This information will be used only for the purposes of providing support, for monitoring and as a reference when considering necessary modifications to curriculum, marketing activities, buildings and equipment.
- 11.3 No Guildford College Group employees will discriminate unfairly, directly or indirectly, in the guidance and recruitment of students.

## **12. Curriculum and Access to the Curriculum**

- 12.1 Guildford College Group is an open access College that seeks to offer learning opportunities to all, whatever their previous level of achievement.
- 12.2 Course programmes, syllabi and resources will be regularly examined to ensure they do not discriminate, directly or indirectly, against any student group. They should be enhanced by including positive acknowledgement of the contributions made to society by a diversity of cultures.
- 12.3 Courses should be accessible to as wide a range of students as possible by enhanced flexibility in both delivery and timing.
- 12.4 Learning Support will be made available to all students requiring it, subject to resources.
- 12.5 Ways of modifying curriculum delivery to allow access to classes for individuals with learning difficulties and/or disabilities should continue to be sought.
- 12.6 Assistive technologies will be developed and deployed to assist and enhance the participation of students with disabilities and impairments in their use of learning opportunities
- 12.7 Learning opportunities will be provided for targeted groups to facilitate access and opportunity.
- 12.8 Procedures for accreditation and assessment will, wherever practicable, be flexible and responsive to the needs of the whole range of students who attend the Guildford College Group.

129 The Guildford College Group supports the entitlement, for the whole Guildford College Group community, to information, guidance and counselling, which will enable individuals to manage their personal development.

### **13. Equality Monitoring and Analysis**

131 In accordance with the Equality Duty specific duties, the Guildford College Group will gather, analyse and publish information on an annual basis about how its policies, procedures and practices are affecting employees with different protected characteristics.

132 This process is used to inform the setting of objectives for the Equality Duty and the measurement of progress towards achieving the Duty. The purpose of this assessment is both to ensure that no employee is disadvantaged because of a protected characteristic, and to identify where equality of opportunity can be promoted actively. The process will also help identify any risk of discrimination occurring in the exercise of the Guildford College Group's functions, and enable steps to be taken to remedy this.

133 The Guildford College Group has developed an equality profile of their employees at different grades/levels throughout the organisation, to aid understanding of the workforce and the key equality issues. The profile of those applying for, shortlisted to and appointed to jobs at the Guildford College Group is also monitored termly and remedial action taken where necessary.

134 The Guildford College Group must engage with people considered to have an interest in furthering the aims of the equality duty when undertaking this analysis. This should include engagement with employees with different protected characteristics, recognised trade union representatives and relevant stakeholders.

135 Equality information collated about employees will be anonymised and treated in confidence. However, the Guildford College Group recognises that some employees who share a relevant protected characteristic may still be unwilling to identify themselves as such, due to concerns of privacy. For some protected groups, equality monitoring is not common place, or it raises particular issues that need to be considered. The Guildford College Group should consider carefully the information they intend to monitor, taking into account the guidance provided by the EHRC and other relevant organisations.

136 The Guildford College Group will not place any obligation on employees to answer monitoring questions; however, employees will be informed about the reasons for gathering the information, the importance of it for the purposes of tackling discrimination and promoting equality of opportunity, and how the results will be used and who will see it. No information will be published that will enable an individual employee to be identified.

## **14. Ensuring Equality**

- 14.1 A whole Guildford College Group approach is required to promote equality of opportunity. Where a service or function is contracted out to a third party, the Guildford College Group retains responsibility for meeting the Public Sector Equality Duty in relation to that service or function. The Guildford College Group should therefore ensure that adherence to the ethos of this Policy features as part of the procurement process in order that contractors comply with standards for the Guildford College Group as prescribed in this document. Further guidance on procurement and the public sector equality duty is available from the EHRC.
- 14.2 The Guildford College Group environment, in terms of its pictures, images, publicity materials, literature, use of language etc., should aim to present images that promote diversity, including positive images of people with protected characteristics.
- 14.3 Promoting equality of opportunity may create tensions between people who identify with different protected characteristics, for example, tensions between religious belief and sexual orientation. However, the holding of certain beliefs, such as religious beliefs which regard homosexuality as a sin, will not be a justification for non-observance of the Guildford College Groups' equality duty.
- 14.4 Whilst the Guildford College Group must respect the rights of individuals to hold belief systems, the right does not extend to enforcing their beliefs on others.
- 14.5 The Guildford College Group should not make assumptions about employees or their personal lives, for example assumptions should not be made that partners of employees will be of the opposite sex; or that female employees of childbearing age will not be suitable for promotion opportunities.
- 14.6 Requests for specific needs relating to a protected characteristic should be considered carefully. Examples may include requests for disability leave or time off to participate in religious observance.

## **15. Dignity at work**

- 15.1 The Guildford College Group endeavours to create a work environment in which everyone is treated with dignity and respect, where all employees, whatever their protected characteristic, feel valued and welcomed, and where discriminatory behaviour is not tolerated. The aim is to work towards eliminating prejudice and discrimination and encourage change in individual behaviour to foster good relations between all.

- 152 Abuse, harassment or bullying (e.g. name-calling, derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) because of someone's protected characteristic are unacceptable. Harassment is viewed as a serious disciplinary offence, that will result in disciplinary action, which may lead to dismissal; or in the event an employee is harassed by a student, the expulsion of that student.
- 153 Propaganda or derogatory messages against any of the protected characteristics, in the forms of written materials, graffiti, music, emails, text messages, social networking websites or speeches, will not be tolerated. The Guildford College Group undertakes to immediately remove any such propaganda whenever it appears on the premises and disciplinary action may be taken against the perpetrators.
- 154 It is important to recognise that a protected characteristic may not be obvious or visible and as such assumptions should not be made about individuals. The Guildford College Group should provide a supportive environment for employees who wish it to be known that they identify with a protected characteristic. However, it is the right of the individuals to choose whether they wish to be open about this in the Guildford College Group. For example, to 'out' someone in relation to a protected characteristic whether staff or student, without their permission is a form of harassment, and should be treated as such.
- 155 If an employee reports an allegation of harassment by a third party, the Guildford College Group must investigate the allegation and take action where the allegation is upheld.
- 156 The Guildford College Group should make third parties aware that they will not tolerate harassment of their staff or students. This includes acts of harassment by contractors, visitors, students and employers.
- 157 The Guildford College Group accepts that there may be conflicts that may need to be managed between people with different protected characteristics (e.g. sexual orientation and religion) and should take steps to foster good relations between people who share different protected characteristics and people who do not share them, to enable employees to work in a neutral and safe environment. Establishing employee's responsibilities and expected behaviours with regards to equality and dignity at work from an early stage can support a healthier working relationship.

## **16. Training and Career Development**

- 161 All employees must be afforded equal access to training, promotion and other aspects of career development. Training and promotion opportunities will not be denied on the basis of a protected characteristic; and assumptions will not be made on the basis of an employee's protected characteristic about their ability or willingness to participate in training or be considered for promotion.

- 162 To ensure that training and development opportunities are accessible to all, consideration will be given to how training may be offered flexibly by making reasonable adjustments to training arrangements, including venues, training materials or providing additional equipment.
- 163 A barrier to promoting equality and fostering good relations may be a lack of understanding among employees about the barriers and needs of those with protected characteristics. The Guildford College Group will therefore provide equality training to all staff. Such training should also have due regard to the need to prevent harassment and bullying and break down stereotypes associated with protected characteristics.
- 164 As part of its commitment to the Equality Duty, the Guildford College Group will take steps to minimise disadvantage, meet specific needs and encourage people who share a relevant protected characteristic to participate in training and career development opportunities. For example the Guildford College Group may:
- Monitor and analyse the effect that training and career development policies, practices and activities have, or could have on people who share a relevant protected characteristic.
  - Analyse information to assess whether there may be any discrimination or adverse impact on people who share a relevant protected characteristic in terms of recruitment into senior positions and in promotion opportunities.
  - Recognise that stereotypes can be harmful to employees who may feel constrained to behave in ways, and work in areas traditionally considered appropriate for their particular gender, age or racial group, for example. These constraints can lead to occupational segregation between roles, which limit career development opportunities being available to all. Encouragement and support should be given to employees who try to step outside the constraints of stereotypes in any area of the Guildford College Group's work.
  - Consider how positive action can be taken to promote equality of opportunity, remove the constraints of stereotypes, and address any under-representation of persons who share a relevant protected characteristic in the Guildford College Group's training and development activities and in the organisation structure. For example, if people of ethnic minority are significantly under-represented in management posts, this may be addressed through coaching and mentoring initiatives.

## **17. Termination**

- 17.1 The Guildford College Group undertakes to ensure that there is no discrimination because of a protected characteristic in relation to the dismissal of staff.
- 17.2 In particular, should a redundancy situation occur, protected characteristics must not be a factor in the selection of those to be made redundant.
- 17.3 References provided to employees who are leaving, or who have left, will not be influenced in any way by a protected characteristic that the departing employee may have.
- 17.4 As part of its commitment to the Equality Duty, the Guildford College Group must analyse the effect, or potential effect, of any business plan or proposal that may result in dismissal (such as redundancies) on equality and diversity. This will include consideration of how the proposal has or could have an effect on people who share a relevant protected characteristic, including employees, students and service users.

## **18. Positive Action**

- 18.1 Positive action aims to enable existing or potential new employees to overcome or minimise disadvantages arising from a protected characteristic, reduce their under-representation in the workforce, and meet their particular needs.
- 18.2 Positive action measures are permitted where there is evidence of disadvantage, different needs or disproportionately low participation in relation to a protected characteristic, such as may be reported as a result of the equality analysis.
- 18.3 Positive action, allows the Guildford College Group to:
- target training at particular groups that are under-represented in a particular area of work;
  - encourage applications from groups that are under-represented through targeted advertising; or
  - Provide support and mentoring to meet particular needs, such as to support an employee who has undergone gender reassignment.
- 18.4 Positive action strategies are intended to be temporary measures only. They must be kept under regular review, and they cannot be used once the disadvantage is removed, the particular needs have been met, or if underrepresentation no longer exists.

## 19. Responsibilities

191 The Corporation will aim to ensure that there is a balanced membership that represents the different protected characteristics. Members of the Corporation are responsible for ensuring that:

- They are aware of the Guildford College Group's statutory responsibilities in relation to equality, both as an employer and as a provider of education and services.
- The Guildford College Group is meeting the Public Sector Equality Duty.
- The Guildford College Group's strategic plan includes a commitment to equality.
- Equality training features as part of the Guildford College Group's strategic plan.
- They receive and respond to equality monitoring information.
- The Guildford College Group is meeting its objectives in relation to equality.

192 The Senior Leadership Team and all managers are responsible for ensuring that:

- They take the lead in creating and positive, inclusive ethos that challenges discriminatory behaviour in all forms on the part of managers, staff or learners. The Guildford College Group is meeting its statutory duties in relation to equality, including the public sector equality duty;
- Consideration of equality and good relations is integrated into all aspects of the Guildford College Group policy and activity;
- Equality information is collected and analysed;
- Targets are set, based upon the analysis of equality information, and actions are taken towards those targets;
- The Guildford College Group's publicity materials present appropriate positive and non- stereotypical messages about people who share a protected characteristic. The staff induction programme reflects the Guildford College Group's commitment to promote equality of opportunity;
- Appropriate training and development is provided to all staff to support the appreciation and understanding of diversity;
- Appropriate policies and procedures are in place to deal with complaints of alleged discrimination, harassment or victimisation; and that such complaints are taken seriously and investigated promptly and sensitively in accordance with those procedures.

193 All employees are responsible for ensuring that:

- They are aware of the Guildford College Group's policies and procedures for equality and participate in related training activities.
- Their schemes of work, lesson content and teaching resources demonstrate awareness of issues of diversity.

- They challenge (or where appropriate should report) prejudice and discriminatory behaviour, whether intentional or unintentional, by students, work placement providers, contractors or other members of staff.
- They respond positively to the particular needs of individuals with a protected characteristic who they come in contact with during the course of their work.

## **20. Complaints or Grievance**

20.1 Any student, customer or client who feels she/he is being discriminated against for reason of any protected characteristic should raise the matter formally or informally, as appropriate, with one of the following, in the first instance:

- His/her Personal Tutor
- Head of Learning and Standards (HoLS)
- Student support staff

20.2 The Student Complaints Procedure is available for cases of alleged discrimination against students. The Grievance Policy is available for staff to use if they wish to bring a complaint. All complaints will be taken seriously by the person receiving them and the appropriate process will be followed to respond to the complaint. The Principal will review all complaints regularly and an annual report provided to the Corporation. Complaints from visitors to the Guildford College Group and workers who are not employees will be referred to the Guildford College Group's Complaints Procedure.

## **21. Legal duties**

21.1 The Guildford College Group undertakes to fulfil the legal duties placed upon it by the Equality Act 2010 ("the Act") and the Employment Statutory Code of Practice in connection with the Act.

21.2 In relation to the Public Sector Equality Duty, the general duty is contained within Part 11, Chapter 1 of the Equality Act 2010, and the specific duties are outlined in the Equality Act 2010 (Statutory Duties) Regulations 2011. The Guildford College Group will also take account of the Code of Practice on the Public Sector Equality Duty from the Equality and Human Rights Commission (EHRC), as well as specific guidance from the EHRC on the various aspects of the duty.

21.3 The Guildford College Group will take account of other legislative provisions that relate to equality in employment, including:

- Section 12 of the Employment Act 1989, which exempts male Sikhs from wearing protective headgear in certain circumstances
- Pensions Act 1995
- Protection from Harassment Act 1997

- Human Rights Act 1998
- Gender Recognition Act 2004
- Civil Partnership Act 2004
- Crime and Security Act 2001, which created an offence of religiously aggravated harassment.