

EQUITY, DIVERSITY, AND INCLUSION POLICY

1. STATEMENT

Individuals from different cultures, perspectives and experiences are at the heart of Blackburn College.

At Blackburn College, we are guided by our values in everything we do and recognise that being a diverse and inclusive College helps us fulfil our responsibility to make a difference in transforming the lives of our students through education.

We seek to develop a college environment where we treat all students, staff, and stakeholders as individuals, fairly and in a consistent way.

We work within the spirit and the practice of the Equality Act 2010 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise.

We will remove unnecessary barriers for all our students and staff through appropriate education, training, and development.

We will continue to support our students, staff, managers and leaders to demonstrate the principles of equity, diversity, and inclusion in their everyday activities.

Equity, Diversity, and inclusion at Blackburn College is one of our core values.

We work to ensure that staff and students reflect the make-up of the local population and that students are prepared for work in diverse labour markets.

We encourage positive behaviour and challenge all forms of negative behaviour and ideas.

Equity

Equity is making sure individuals or groups of individuals are treated fairly and equally specific to their needs, including areas of race, gender, disability, religion or belief, sexual orientation, and age.

Diversity

Diversity aims to recognise, respect and value people's differences to contribute and realise their full potential by promoting an inclusive culture for all staff and students.

Inclusion

Inclusion is seen as a universal human right. The aim of inclusion is to embrace all people irrespective of race, gender, disability, medical or other need. It is about giving equal access and opportunities and abolishing any type of discrimination and intolerance (removal of barriers).

Promoting equity and diversity

We promote equity, diversity, and inclusion by:

- challenging discrimination.
- creating an inclusive culture.
- working with local communities.
- providing equal access to learning and enrichment activities.
- helping staff and students reach their full potential.
- supporting national campaigns.
- treating all staff and students fairly.

Help, support, and advice

The following College services can help you:

- Student Services.
- SEND Additional Learning Support.
- Safeguarding and Wellbeing.
- Student Voice and Enrichment Team.
- Student Assistance Programme.
- Employee Assistance Programme

2. PURPOSE

2.1 We are also committed to working with Blackburn with Darwen Borough Council and all other partner councils, and all partners to promote community harmony and social cohesion. The College will challenge all forms of inequality, discrimination, and harassment, and actively promote opportunities for the protected groups. This work is regarded as the responsibility of all staff, students, governors, and partner organisations of the College.

2.2 The purpose of this policy is to provide equality of opportunity to all who study with and work for and with Blackburn College including those who are defined as having any protected characteristic as listed in Appendix A. The College expresses its opposition to all forms of prejudice, inequality, and discrimination. Discrimination can take many forms and a comprehensive list covered by this policy is attached as Appendix B.

2.3 The College will seek positively to remove conditions and barriers which place people at a disadvantage and will actively promote equity for all and celebrate diversity. To do this, the College will monitor our performance against targets set for Workplace diversity and to narrow the achievement gaps of our students. An annual HR report will be published to highlight progress made against these targets and

highlight further gaps identified. We will ensure all our procedures for both staff and students are open and easily accessible.

2.4 All students and staff will be supported to develop their full potential within an ethos reflecting the equal status of all members of the College.

2.5 This policy applies to all our students, wherever they learn or work as part of their program of study or place of work, and staff respectively and operates within the framework of the College's mission statement and policy suite. As a responsible body, the College recognises and accepts its vicarious liability for the actions of staff, students, contractors, and subcontractors. The College will comply with all legislation, regulations, statutory and non-statutory codes of practice and its contractual requirements relating to equality and diversity.

2.6 Any action by an individual employed by the College, or by a learner or students which contravene this policy renders them liable for disciplinary action. Evidence of discrimination or harassment may be considered as gross misconduct, and this will be actioned via the appropriate policy for staff and for students. Clients or external contractors will receive a copy of the EDI Policy to ensure all stakeholders are aware of the Colleges stance on Corporate Social Responsibility.

2.7 The College is keen to develop a culture that goes beyond compliance with the law i.e. one that is fully inclusive, promotes equality and embraces diversity. This policy describes how the College will fulfil its statutory duties and also how it will develop its practices.

2.8 The College's EDI Policy is based on the Equality Act 2010, and the Equality Act 2010 (Statutory Duties) Regulations 2011. These two legal duties also overarch the College's statutory duty under the Children and Family Act 2014 as specified in the Special Educational Needs and Disability (SEND) Code of Practice for 0–25-year-olds which came into force on the 1st September 2014. This SEND Code of Practice relates to children and young people with special educational needs (SEN) and disabled children and young people less than 25 years of age and provides guidance on the statutory duties which apply to Further Education Colleges to identify, assess and provide support for young people with SEN.

2.9 Also Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on certain bodies (including FE/HE institutions), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". The College has developed shared values that satisfy the Inspectorate expectations for embedding fundamental British Values and at the same time make them relevant and reflective of our local community. These are:

- Democracy: student and staff voice – engagement and participation with college life
- Individual Liberty: Freedom of speech

- The Rule of Law: No-one is above the law - innocent until proved guilty.
- Respect & Tolerance: all backgrounds & cultures, all ages, all genders and sexualities and all religions and beliefs

This policy will ensure these values are embedded into the college practice for staff and students.

2.10 The Equality Duty has three general aims:

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

2.11 The College's Religion and Belief Policy is based on the Equality Act 2010, and the Equality Act 2010 (Statutory Duties) Regulations 2011. The Equality Act 2010 defines religion or belief as:

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. Also in January 2020, it was ruled that law protected the beliefs of ethical vegans similar to religious belief.

The College has developed shared values for embedding Fundamental British Values and at the same time make them relevant and reflective of our local community.

2.12 This policy will ensure these values are embedded into the College practice for staff and students.

2.13 This policy applies to all our students and staff respectively, wherever they learn or work as part of their program of study or place of work and operates within the framework of the College's mission statement and suite of policies. As a responsible body, the College recognises and accepts its vicarious liability for the actions of staff, students, contractors, and subcontractors. The College will comply with all legislation, regulations, statutory and non-statutory codes of practice and its contractual requirements relating to equality and diversity.

2.14 The College has a Chaplain on campus who is a pastoral resource for the whole College community and will see any member of the College on any matter in complete confidence. The Chaplain is available to people from all beliefs and backgrounds, whether they profess a formal religion or not. There is also a Christian Cannon and Imam who support with worship across college.

2.15 Any action by an individual employed by the College or studying here which contravenes this policy may render them liable for disciplinary action. Evidence of discrimination or harassment may be considered as gross misconduct, and this will be actioned via the appropriate policy for staff and for students.

2.16 The College is keen to develop a culture that goes beyond compliance with the law i.e. one that is fully inclusive, promotes equality and embraces diversity. This policy describes how the College will fulfil its statutory duties and how it will develop its practices.

2.17 'Transgender' people have a gender identity, or gender expression, that differs from their assigned sex at birth. A transgender person feels that their external appearance (*sex*) does not match up with the way they feel internally about their gender identity. A Female to Male (*F2M*) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (*M2F*) person will have the external appearance or body of a male and identify their gender as female.

2.18 Many transgender people change their gender presentation to bring it into alignment with their gender identity. This process is known as "transition". Transitioning may involve various types of medical treatment but need not always involve any form of medical intervention.

2.19 'Trans' identities take a wide diversity of forms. Trans identity can be "non-binary" in character, located at a (fixed or variable) point along a continuum between male and female; or "non-gendered," i.e. involving identification as neither male nor female.

2.20 Gender Dysphoria (*or Gender Identity Disorder*) is a clinical condition that only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment to ameliorate the symptoms associated with being Transgender. A transgender person may live their life without being or needing to be diagnosed as having Gender Dysphoria. Diagnosis and treatment for young people is currently only possible through a specialist. However, most or all young trans people (and their families) will need some expert support as they grow up and develop.

2.21 The College will support all students in terms of their preferred gender identity and seek to eliminate discrimination, harassment, victimisation, and any other conduct that has a negative influence on any individual because of their gender identity.

2.22 Training and support for staff will also be provided to ensure that equality of opportunity and good relations is fostered at all times and that different gender identities are celebrated within our organisation.

3. ACCESSIBILITY

3.1 All key materials used to market learning and employment opportunities will explicitly convey our positive attitude to equity and diversity and be made accessible in alternative formats on request. Means of distribution will be kept under review to ensure information reaches those who do not traditionally respond to learning and employment opportunities within the College.

3.2 Guidance and Admissions procedures will be clear and transparent and free from unfair discrimination. The College will ensure that vocational stereotyping is challenged, and access facilitated. The College aims to provide support services during enrolment and on programme to help in the identification of additional student support needs where necessary.

3.3 Effective plans are in place to make the learning environment safe, welcoming, and accessible for all groups of students and staff in terms of timing and location of provision, physical access, amenities and services including off campus activities and this is regularly monitored and reviewed.

3.4 Accessibility statement further details methods in which the College supports accessibility across its website and other platforms.

3.4 Dietary requirements

The College will endeavour to provide food that meets staff and students' dietary requirements. Certified Halal meat is served daily in all College refectories- please note it is not certified to HMC standards. This is due to the HMC requirements that College kitchens are not able to be used to prepare any other types of meat. All Muslim staff and students are encouraged to exercise their own discretion in relation to the meat served. Vegetarian meals are also served daily in all College refectories; many of these include non-dairy options. The Catering team will procure Kosher and vegan food (staff and students who follow a plant-based diet and avoid animal produce) if requested. Water and soft drinks are available in all catered outlets.

3.5 Dress code

3.5.1 The College welcomes the cultural and religious differences in clothing and appearance as part of embracing a diverse community (e.g. hijab, kippah, mangal sutra).

3.5.2 The only limitations on cultural and religious dress codes may be as follows:

Where health and safety requirements dictate that certain types of clothing must be worn. For example, where a uniform is required for the job i.e. sports staff. However, where a uniform is required, women should have the option of wearing trousers. Similarly, if a uniform includes headwear, then the wearing of turbans should not be prohibited unless there is an over-riding health and safety need. If wearing specific clothing produces a conflict with an individual's religious belief, the issue will be

sympathetically considered by the line manager with the aim of finding a satisfactory outcome. Advice can be sought from Health and Safety, the Chaplaincy, or the Head of Student Experience.

If an individual wishes to wear an item of clothing that contains offensive or inflammatory writing or symbols, they will be asked to abstain from wearing such clothing that could cause offense. If the individual persists in wearing this particular type of garment, then this could be treated as a disciplinary offence.

Where there is a need to check the identity of a member of staff or student e.g. for reasons of security. Verification will be carried out sensitively and by an appropriate staff member of the same gender as the student or staff member. Photographs for College ID badges can also be taken by photographers of the same gender as the student, in private, if necessary, upon request.

3.6 Leave for religious festivals

Staff

3.6.1 The College closes on the Christian religious festivals of Christmas and Easter. Staff practising other religions, or holding other beliefs, may request to take their holiday entitlement on the dates of most significance to them. Wherever possible, these requests will be granted unless a business need takes precedence i.e. an Inspection.

3.6.2 For all staff, regardless of any religious or other belief, the number of annual days overall will remain as in their contract of employment. If a member of staff requests extended leave at a particular time for the purpose of religious observance e.g. going on pilgrimage, the line manager (in consultation with the Director of Student Support and Experience/Head of School) should attempt to accommodate the request where practicable. If the extended leave exceeds the annual holiday entitlement, the excess days, if agreed, will be unpaid leave. The members of staff in question should give as much notice as possible for the request ideally at the beginning of the annual leave year.

3.6.3 Staff with relatives abroad may have particular religious/cultural needs for occasional extended leave i.e. for births, weddings, deaths. Line managers should treat such requests for leave sympathetically and ensure flexibility with regard to unavoidable short notice requests i.e. burials.

3.6.4 Any weekend working arrangements shall ensure that no-one is forced or pressured to work at times when their religious beliefs forbid them to do so i.e. Saturday working for observants of the Jewish faith.

Students

3.6.5 The College regulations will apply equally to all students regardless of religion or belief. Students wishing to observe religious holidays that do not coincide with

College holidays should make a formal request within a reasonable timeframe to their Personal Development Tutor for leave of absence. Students should give as much notice as possible of their intention to observe religious festivals, especially those for which the student must be absent from their studies for a number of days/weeks (pilgrimage), ideally at the beginning of the academic year. These requests will be successfully negotiated where practicable with appropriate arrangements put in place to manage the absence. Where these are unable to be negotiated, students may need to formally interrupt their studies if they wish to continue with the leave of absence.

3.6.6 Some religious festivals are aligned with lunar activity and therefore change from year to year. As a result, the dates for some festivals do not become clear until just prior to the actual day itself. Staff and students who are aware that they will wish to celebrate a festival should give as much notice as possible.

(Calendars of religious festivals may be found at www.bbc.co.uk/religion/tools/calendar)

3.7 Prayer

3.7.1 All staff members are expected to work in accordance with the terms and conditions of their contract. Line managers should make every attempt to ensure that those whose religion requires them to pray at certain times during the day are free to do so. In addition, requests for a degree of flexible working from those who require should be accommodated, wherever possible.

3.7.2 The following places in college are available for all staff and students to drop in for private reflection and prayer and are generally open every weekday:

- **First floor of the Beacon Centre – Peace Place BC130 and BC131**
- **St Pauls 6th Form Centre (Female only) – SP017**
- **First floor University Centre – UC128 (Female) and UC128b (Male)**

3.7.3 In many cases the requirements of the individual to attend congregational prayer will be met by facilities on campus or in the neighbourhood. Information on these can be obtained from the Chaplaincy.

3.8 Fasting

3.8.1 Some religions require the observant to fast for a period of time i.e. Islam. It is a student's choice to fast during this holy month and a large proportion of the College Muslim population do fast throughout Ramadan. Care is taken to try to make it a good month for everyone and there is no disruption to studies. Staff are aware of the timing of the fast, of prayers and the wider responsibilities Muslims face. Students are encouraged to carry a small amount of food – dates or chocolate – so they can open the fast in class. Food and drink are also made available in the refectories so students can eat as soon as their classes finish. Quiet food free areas are available for students to use during lunchtimes and breaks.

3.8.2 For some students there may be the challenge of fasting whilst sitting exams during the 'warmer' months as fasting has fallen between May-July. Fasting whilst undertaking exams is a matter of personal choice whilst completing their educational obligations.

3.8.3 If your students are sitting any exams and fasting, have the discussion with the individual concerned as how best he/she can fulfil their mandatory educational obligations. In addition, staff are asked to be particularly mindful of having the right environment for the student to thrive under exam conditions with a fast i.e. good examination room management during hot weather. The Lancashire Council of Mosques (LCM) has guidance available on fasting and exams which is attached as appendix A.

3.9 Offensive actions or behaviour

3.9.1 All staff, students and visitors to the College have a responsibility not to discriminate on the grounds of religion or belief that can take the form of bullying or harassment. Any attempt to coerce others to comply with a particular belief system, for example through distribution of threatening material or other material in a threatening manner, will result in disciplinary action.

3.9.2 This Policy does not stifle lawful, legitimate criticism of, or debate about, a religion or belief for academic purposes. The College encourages active debate and discussion in a controlled facilitated environment to ensure staff and students learn facts and myth bust portrayals of certain religions via secondary sources.

3.10 Teaching and Assessment

3.10.1 The College's timetabling makes provision for key religious observances and honours the religious commitments of its students by making a place for worship in its academic life. Whilst the College cannot legislate for all faiths at all times, the following points which may conflict are:

- Friday early afternoon- Jumu'ah or Muslim Prayer Time (dependent on Daylight Saving Time)
- Friday afternoons (Autumn and Winter) - Jewish Sabbath

As far as practicable, efforts should be made to avoid teaching core courses at these times - any queries about these issues should be referred to the Director of Student Support and Experience.

3.10.2 The College's Examinations Office is mindful of key religious festivals when drawing up the examination timetable, but its main priority is ensuring that examination and assessment dates operate efficiently and effectively to deliver the programme requirements within the available time and space. Special arrangements for individuals may occasionally be permitted upon request. Once again, students should give as much notice as possible of their intention to observe religious festivals which may clash with examination dates, especially those which prevent travel to

college or work (for example, by observant Jews), ideally at the beginning of the academic year. However, please be mindful some examination dates are set by the awarding bodies and the College has limited jurisdiction to amend.

4. CURRICULUM

4.1 A dynamic portfolio of relevant study programmes will be offered which are responsive to learner need and enables students to study at the appropriate level with good prospects for success and progression. Progression routes will be clearly published, and advice given impartially. A range of delivery locations and methods inclusive by design will be used to minimise barriers to learning. We will continue to offer impartial information, advice, and careers guidance to ensure the best approach for the learner.

4.2 Induction procedures which familiarise students with the College's policy and commitment to equity and diversity will be delivered to all students, full time, and part- time, and off site via the tutorial programmes and cross College activities.

4.3 Inclusive learning practices which acknowledge individual learner's starting points and preferred learning styles, and which offer a variety of assessment strategies will permeate the delivery of provision.

4.4 Learning materials which are free from bias, which celebrate diversity and challenge stereotyping will be used throughout the curriculum.

4.5 Cultural awareness and the fostering of good relations and equality for all protected groups will be integrated into the curriculum, as will literacy, numeracy, and language skills.

4.6 Equity of Opportunity in the workplace will be promoted and monitored for workplace students and work placements will be assessed and monitored to ensure they promote and adhere to equality practices.

4.7 The provision of additional learning support will be determined based on the assessment of each individual student's support requirements and will have due consideration to the application of reasonable adjustments and the college's anticipatory duties. The funding/cost of additional learning support will be determined by who is funding the course i.e. ESFA or OfS for England.

4.8 We aim to support students into sustainable careers, including facilitating opportunities for work placements and experience as appropriate to their programme.

4.9 The College will neither promote, nor permit to be promoted, any one religious faith or culture. All individuals will be expected to adhere to college policies, rules and regulations, regardless of their personal faith or religion. Whilst the College resources

exist primarily for the delivery of learning activities, arrangements will be made, where this is practicable, for staff or students to carry out essential religious observance.

5. EMPLOYMENT AND PROFESSIONAL DEVELOPMENT

5.1 Implementing Equity and Diversity is an ongoing process that will be regularly reviewed by the College's Leadership Team (CLT).

5.2 All staff will be made aware of the EDI Policy during the induction process. Additional training will also be conducted for staff during whole College Professional Development days.

5.3 Equality of opportunity will exist for all existing and potential staff in relation to recruitment, development opportunities and promotion.

5.4 Monitoring data is gathered, analysed and actions taken to improve processes and equality as part of the recruitment process. Data in relation to staffing profile, recruitment and selection processes, staff training opportunities and staff promotion is published annually and reported on through the governance structure.

5.5 Any allegation of discrimination will be investigated thoroughly, and action taken if necessary.

5.6 The College will be proactive in offering staff the opportunity to disclose a disability and supporting them to do so. Staff can update any details on protected characteristics confidentially via ITrent. As a 'Disability Confident' accredited organisation we proactively adhere to the principles pertaining to this kite mark.

5.7 Reasonable adjustments will be made for staff who are or who become disabled during their period of employment.

5.8 The College will take advantage of national initiatives and programmes which provide opportunities for staff and managers with protected characteristics to develop their careers and will collaborate wherever possible to develop local positive action programmes.

5.9 Training, advice and guidance and support will be provided to ensure that all staff, students, and contractors understand their duties and obligations in law. Training will take place on college training days if required.

5.10 The College will protect the confidentiality of disclosed sensitive matters related to equality and diversity, where this does not affect the health and safety of others or does not have criminal implications.

6. STAKEHOLDER CONSULTATION

6.1 This policy has not been subject to stakeholder consultation as it is a matter of fulfilling legal responsibilities under the Equality Act.

7. MONITORING AND REVIEWING

7.1 The policy will be monitored through the Strategic Single Equality Committee.

7.2 The Committee will be chaired by the Director for Student Support and Experience (or a representative) who has responsibility for the review of the policy, monitoring its effectiveness and measuring its impact.

7.3 Regular reports assessing progress in meeting annual targets and legal responsibilities will be received by the Governing Body, the Executive and College Leadership Team (CLT) and the Academic Board.

7.4 The effectiveness of the policy will be reviewed through:

- Regular analysis of student participation, retention, achievement, success, and progression by reported protected characteristics.
- Regular analysis of the staffing profile in relation to recruitment, workforce profiling.
- Regular analysis of access to professional development opportunities and to promotion for all staff including those with protected characteristics
- Self-assessment and quality improvement structures for all curriculum centres and service areas.

7.5 This policy will be reviewed on a regular basis in accordance with legislative and educational developments.

8. RELATED POLICIES AND PROCEDURES

- Student Safeguarding Policy
- Admissions Policy
- SEND and ALS Policy
- Bullying and Harassment Policies
- All relevant HR Policies, namely:
- Staff Code of Conduct
- Staff Code of Ethics
- Flexible Working Policy
- Data Protection and Freedom of Information Policy
- The Prevent Duty Guidance
- Quality Code

9. RESPONSIBILITIES

9.1 All individuals within Blackburn College, including staff, students, customers, and governors are responsible to ensure the observation of the principles of this policy. In particular, this relates to the treatment of others so that the environment in which we operate is free from prejudice and discrimination.

9.2 The Governing Body will receive regular reports assessing progress and measuring impacts. They will also receive training in relation to the relevant legislation.

9.3 This policy will be overseen by the Director of Student Support and Experience and will be monitored by the Principal and the Governing Body.

9.4 The Principal supported by the Executive Team will take responsibility for ensuring that the principles outlined in this policy will be integrated throughout their strategic and operational decision-making process ensuring full compliance with equality legislation.

9.5 The Head of Human Resources is responsible for:

- policy development, implementation and monitoring to ensure compliance with legal obligations.
- ensuring the formal monitoring and review of this policy in line with relevant good practice

9.6 The Heads of School and Business Support Teams will monitor their performance against the standards set out in this policy and according to the relevant legislation. They will set agreed annual targets for improvement via the Equality & Diversity Impact Measures (EDIMs) which will be monitored by the Single Equality Committee.

9.7 All staff employed by the College will have access to regular mandatory training opportunities to ensure that they understand the principles implicit in this policy and the relevant legislation. The induction programme for new staff will include such training.

9.8 All users of the College and contractors will be expected to adhere to the central tenets of this policy.

9.9 Breaches of the policy by staff or students will be regarded as misconduct and could lead to disciplinary proceedings.

9.10 The Strategic Single Equality Committee will include wide representation of staff and students from across the College.

9.11 The policy will be reviewed on a triennial basis unless legal or procedural changes warrant a review.

10. EQUITY IMPACT ASSESSMENT

Blackburn College is committed to the promotion of equality and diversity and to providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) against any of the protected characteristics of age, disability, gender (including gender identity), race, religion, marriage and civil partnership (Being married or in a civil partnership is **NOT** a protected characteristic for the further and higher education provisions and so does not extend to cover students), pregnancy and maternity or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

Author:	<i>Director for Student Support and Experience</i>
Owner:	<i>Director for Student Support and Experience</i>
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Appendix A

Protected characteristics

The protected characteristics contained in the Equality Act are:

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

Each protected characteristic is defined below:

1.1 *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 College must not discriminate against any employee because of his/her age or to the age group they belong to.

1.2 *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.

1.3 *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.

1.4 *Marriage and civil partnership:* The College must not discriminate against any employees because they are married or are in a civil partnership. Marriage will cover any formal union of a man and woman 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.

1.5 *Pregnancy and maternity:* The College must 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 College must also not discriminate against an

employee because of his/her association with a woman who is pregnant or who has recently given birth.

1.6 *Race:* The College must not discriminate against any employee because of his/her colour, nationality or ethnic or national origins.

1.7 *Religion or belief:* The College must not discriminate against any employee because of his/her religion or philosophical belief, or because of his/her lack of religion or belief.

1.8 *Gender:* The College must not discriminate against any employee because of his/her gender.

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

Appendix B

Types of discrimination

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.

1.1 *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 must be objectively justified.

1.2 *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.

1.3 *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.

1.4 *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.

1.5 *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).

1.6 *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. An individual does not necessarily have to be the victim of the unwanted behaviour in order to feel harassed by it.

1.7 *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.

1.8 *Giving 'due regard' to reasonable adjustments:* reasonable adjustments are 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.

1.9 *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.