

POLICIES & PROCEDURES

TITLE	EQUAL OPPORTUNITIES
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EQUAL OPPORTUNITIES POLICY

This policy should be read in conjunction with other
Institute policies

1. Definitions

- 1.1 Direct discrimination occurs when a person is treated less favourably than another simply because of a personal characteristic.
- 1.2 Indirect discrimination occurs when a policy or requirement, which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group and the requirement is not reasonable or necessary in the circumstances.

For comprehensive list of definitions see appendix 1

Appendix 2 lists National Legislations and Guidelines Relevant to Equal Opportunities

2. Policy Principles

This policy is intended to enable the Institute to promote an environment in which equality can be developed and embedded in our practice and applies to all users of the Institute's facilities,

- 2.1 The Institute is committed to enabling all adult learners and staff to achieve their potential and will not tolerate discrimination on the grounds of age, gender, including transgender, culture, race, religion or belief, ethnicity, national origin, social origin, disability, responsibility for dependants, financial status, HIV status, language, marital status, political beliefs, trade union membership, or sexual orientation and unrelated criminal convictions.
- 2.2 We will promote equality of opportunity for staff & learners.
- 2.3 Our policy will be reflected in curriculum design and delivery, teaching and learning activities, information, advice and guidance, staffing, staff development and the interaction between staff, clients, learners and the general public.
- 2.4 The Institute will take all reasonable steps to seek to ensure that those who provide services to or visit the Institute are aware of and observe the equal opportunities policy of the Institute. It is the responsibility of the relevant internal contractor or host to ensure that providers/visitors behave appropriately towards all members of the Institute and that no discrimination takes place.
- 2.5 This policy should be read in conjunction with the Institute's policies and procedures.

3. Implementation - Principles into practice

This section of the policy sets out our commitment to equal opportunities and what we hope to achieve.

3.1 Widening Participation

- Effective targeting of disadvantaged groups
- Employment of dedicated staffing - for liaison with communities, community development work, information, advice and guidance,

curriculum development, management of new provision, facilitating access for people with disabilities/learning disabilities

- Recruitment and development of staff from/with an understanding of targeted communities/diversity of needs of potential learners
- Involvement of volunteers and learning champions from targeted communities
- Involvement of community groups in planning for development of provision
- Working with a range of organisations including professional bodies, statutory agencies, charities, community groups and the voluntary sector to identify and plan to meet needs
- Making provision available in a range of locations including community centres and times of the week/day
- Customising provision to address and meet diversity of needs
- Developing a range of new programmes which successfully attract new learners and offer progression to further learning, volunteering or into employment
- Inclusion of specific initiatives e.g. targeting men and boys in Family Learning and other under-represented groups
- Development of projects which celebrate diversity and lead to the development of a wider range of provision/greater diversity of approach within existing core provision.

3.2 Teaching and Learning

- Curriculum design that takes full account of access and inclusive learning strategies, progress and progression routes and acknowledges prior learning and experience
- Resource materials which are free from or used to challenge discriminatory attitudes and practice.
- Mutually respectful tutor-learner relationships characterised by negotiation and partnership
- Identification of individual learning and support needs through effective initial assessment and subsequent differentiated learning
- Learner induction in which principles of equality of opportunity are clearly explained. Learners need to know what they should do if they encounter discrimination or harassment. They should understand the complaints and appeal procedures and be fully aware of what constitutes unacceptable behaviour and the consequences of that behaviour.

3.3 Support

- Appropriate response to the individual support needs of learners
- Access to affordable and good quality childcare to enable participation by people with childcare responsibilities
- Concessionary fees policy for eligible learners

3.4 Use of Feedback

- Clear and effective procedures for seeking and responding to feedback from learners and clients

- Surveys of staff which identify the extent to which equal opportunities is part of the culture of the organisation

3.5 Complaints and Concerns

- Clear and well-understood procedures for making and dealing with complaints
- Complaints and other concerns are dealt with promptly and effectively
- Monitoring and analysis of complaints and effective action taken to address common issues

3.6 Staff Recruitment, Selection, Induction and Professional Development & Training

The Institute will ensure that:

- Employment, promotion and development opportunities are advertised locally or nationally, as appropriate, and all job opportunities will be outlined through clear and transparent job descriptions and person specifications
- All recruitment and selection processes are free from bias and discriminatory practice
- All staff employed by the Institute will receive an induction programme which enhances their potential for success within the job in question.
- All staff are aware of their entitlement to Continuous Professional Development to support them with their current job and to enable them to progress both within and outside the Institute. Where training is deemed essential, staff will either be released from duties or if attending in their own time, provided with an attendance allowance.

Equal opportunities training will be provided for staff and periodic updating in response to changes in legislation, government initiatives and changes in the student population or other reasons.

Training priorities will include:

- Equality and diversity
- Training for all staff on current and changing legislation and implications for their practice
- Disability training
- Deaf awareness training
- Child protection and vulnerable adults
- Cultural awareness training for all front line staff
- Skills for Life awareness training for all staff
- Sharing of good practice in relation to promoting equal opportunities
- Training in recruitment and selection practices for all staff involved in appointing staff

All staff will be made aware of their responsibility for implementing the Institute's Equal Opportunities Policy and that they have a legal and moral obligation not to discriminate and to report incidents of discrimination against any individual or group of individuals. Following investigation, any member of staff found to be discriminating will face disciplinary proceedings.

3.7 Information, Advice and Guidance

- All users can expect a friendly, professional and confidential service provided by trained staff
- Information and advice services available to all
- Information which contains positive imagery in relation to diversity
- Information and relevant documents (e.g. application form) which is available in a range of formats
- Access to equipment or signing support to assist people with hearing difficulties
- Specific and appropriate materials to promote provision disseminated through accessible community outlets e.g. libraries, community centres, leisure centres and surgeries

3.8 Accommodation and Equipment

- Access for people with mobility difficulties at all centres
- Access to equipment to facilitate participation and learning for people with learning difficulties or with disabilities
- Routine consideration of equal opportunities aspects including access when negotiating community learning venues

4. Monitoring, Evaluation and Review

- The following data is collected in relation to equal opportunities:
 - learners' age
 - gender
 - ethnicity
 - disability
 - religion and beliefs
 - sexual orientationand analysed to inform planning in relation to the curriculum, support services, resources, access to accommodation and development of facilities.
- Data is used to inform self-assessment in relation to effectiveness of strategy to promote equal opportunities
- Take-up of new courses and subsequent retention and successful completion is monitored and the data analysed and acted upon
- Data and information is shared between partners to inform planning and development
- Equality Impact Assessments of our policies and practices will be undertaken and action plans will be put in place against which performance will be monitored

- An annual implementation plan for equal opportunities improvement will be monitored to ensure that it is effective in delivering equal opportunities and bringing about planned improvements
- Targets relevant to equal opportunities will be set and monitored
- Improvements to the diversity of staff will be included in the plan through changes in the recruitment and selection procedures
- Equal Opportunities will be a regular agenda item on Curriculum Team meetings, Team Leader meetings, SMT and Governing Body meetings.
- Monitoring will be the responsibility of **the Continual Improvement Team Leader** who will report annually to the Governing Body and the Strategic Management Team on the outcomes of the equal opportunities implementation plan and the extent to which targets are being met.
- The policy will be reviewed annually **Continual Improvement Team Leader and the Equality and Diversity Task Group**. As part of the review the **Group** will seek the views of stakeholders including learners, staff, trade union representatives and external partners. Any recommendations for change will be passed to the Senior Management Team and from them to the Governing Body for approval.

5. Dissemination

A copy of the policy will be provided for all new employees in their staff induction pack. An electronic version will be available on a read only basis on the Policy Drive of the network. A hard copy will be provided for each of the centre offices.

Brief equal opportunities statements will be included in the Prospectus, the Student Induction Leaflet and on the website.

EQUAL OPPORTUNITIES DEFINITIONS

Equal Opportunities - The means by which disadvantage and discrimination is reduced and eliminated by legislation and positive action. Equal Opportunities aims to ensure that no group receives less favourable treatment by virtue of one's skin colour, race, gender, ethnic origin, disability, age, class or sexuality, thereby enabling all people to have equality of access to the provision of goods, services, facilities, premises and employment. It does not mean treating everyone the same.

Racism - All attitudes, procedures and patterns - economic, social and cultural - with the effect, though not necessarily conscious intention, of creating, maintaining and extending the power, influence and privilege of one group of people over another. Racism is prejudice and/or discrimination based on the myth of race. Racists believe that some groups are born superior to others, and in the name of protecting their race from "contamination", they justify the domination and destruction of races they consider to be inferior to their own. Racism can be personal or institutional. Personal racism occurs when a person's skin colour is the basis for how others perceive him or her. Institutional racism is racial prejudice or discrimination supported by power and authority used to the advantage of one race over others, as with differential treatment by police or security guards.

Racialism - An implicit set of negative beliefs about a racial or ethnic group that can result in offensive or violent behaviour towards members of a racial or ethnic group.

Sexism - All attitudes, procedures and patterns - economic, social and cultural - with the effect though not necessarily conscious intention, of creating, maintaining and extending the power, influence and privilege of one group of people over another.

Prejudice - Prejudice means pre-judging individuals or groups, either favourably or unfavourably, without knowing the full facts. Unfavourable prejudices are negative reasons that we form, for no reason, and they usually come out of ignorance. Discrimination involves acting on prejudice. It is the actions based on prejudice that are unlawful not the prejudice

itself (however undesirable it may be). Prejudicial thinking is based on stereotypes. Prejudice is an attitude.

Stereotype - A stereotype is an oversimplified generalisation about a person or group of people without regard for individual differences. Even positive stereotypes, such as, 'Asians are good at maths and computers', have a negative impact.

Discrimination - Discrimination is basically about making choices. It implies neither fairness nor unfairness. *Unfair discrimination* can happen in a whole host of ways based on appearance, accent, sexuality, disability, sex, religion etc. *Unlawful discrimination* on the other hand, is a sub-set of unfair discrimination and involves negative actions towards others based on sex, race and disability as well as religion in Northern Ireland.

Discrimination is the behaviour of action that can follow prejudicial thinking. Discrimination is the denial of justice or fair treatment in many arenas including employment, housing and political rights. In essence it is less favourable treatment of an individual or group which is not based on their work performance or conduct as a member of staff or learner.

Direct Discrimination - This is where people are treated worse or less well than others because of their race, ethnicity, or sex. Direct discrimination can take many forms. These could include racist remarks, and differences in expectations, provision and treatment. Segregation on racial and sexual grounds also constitutes direct discrimination.

Example of direct discrimination

If an Asian woman is turned down for a job as a shop assistant and told there are no vacancies then a white woman with equivalent qualifications is offered the job a short while later, the Asian woman has been directly discriminated against.

Indirect Discrimination - This is a more complex concept. Indirect discrimination occurs when a condition or requirement is applied equally to everyone but affects some groups adversely or disproportionately and where the condition/requirement cannot be justified. Indirect discrimination is not necessarily intentional. The case below taken from John Pritchard's 'Guide to the Law' illustrates indirect discrimination:

The headmaster of a private school would not allow a Sikh boy to attend unless he removed his turban and cut his hair, since turbans and long hair were against the school rules. Held: These rules amounted to indirect

discrimination against Sikhs. In addition, the House of Lords held that Sikhs did make up an 'ethnic' group - the Race Relations Act did not just protect those of a particular race, but extended to groups with a definite cultural tradition, such as Sikhs. Thus the school rules had to be changed.

Mandela (1983)

If an employer requires job applicants to have a qualification in a particular subject, but will only consider people whose degree is from a British university, this condition could amount to indirect discrimination.

Positive Discrimination - This is often referred to as preferential treatment. It specifies actions which treat one person more favourably for no reason other than they are female, black etc. Positive discrimination is a form of direct discrimination in favour of an individual and is unlawful. Exception: positive discrimination is not unlawful under the Disability Discrimination Act.

Positive Action - Positive action is **not** intended to be a policy of placing people in jobs or educational institutions because they are women or members of various minority groups. Positive action serves to encourage the previously disadvantaged to the starting gate for jobs, promotions and other opportunities. But once at the starting gate the race should be on equal terms between all competitors.

When particular groups are **under-represented in a working or training environment**, the law allows you to positively encourage applications from members of those groups to help them compete equally with the majority group.

Positive action seeks to redress past disadvantages and enables people to take full and equal advantage of opportunities in jobs, education and training. It is also a means of addressing skills deficits within the workplace.

Racial Discrimination - Less favourable treatment of an individual or group on account of their racial origin or colour.

Sex Discrimination - Less favourable treatment of an individual or group on account of their gender or marital status.

Harassment - Can be directed at any group or individual, and can include unnecessary touching, unwanted physical contact, leering, personal remarks, verbal or written abuse, visual displays, coercion, isolation or non co-operation.

Sexual Harassment - Unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women at work (European Community Code of Practice). Repeated and/or unwanted verbal or sexual advances, sexually explicit or derogatory statements or sexually discriminatory remarks (TUC).

Racial Harassment - Conduct (whether by act or omission) which is intended to cause or does cause physical or mental distress to an individual or group on account of their colour, race, nationality or ethnic origins.

NATIONAL LEGISLATION AND GUIDELINES RELEVANT TO EQUAL OPPORTUNITIES

- The Equal Pay Act (1970 and 1986)
- The Rehabilitation of Offenders Act 1974
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disabled Persons (Employment) Acts 1944 and 1958
- The Disability Discrimination Acts 1995 & 2005
- The Public Order Act 1996
- The Protection from Harassment Act 1997
- The Employment Rights Act 1996
- The Human Rights Act 1998
- The Sex Discrimination (Gender Reassignment) Regulations 1999
- The Employment Relations Act 1999
- The Part Time Workers Regulation 2000
- The Race Relations (Amendment) Act 2000
- The Special Educational Needs and Disability Act 2001
- The Regulations on Fixed Term Workers 2001
- The Employment Act 2002
- The Employment Equality (Religion or Belief) Regulations 2003
(Amendment) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- The Kennedy, Tomlinson and Moser reports
- The MacPherson Report
- The Report of the Commission for Black Staff in Further Education
- Improving Opportunity and Strengthening Society
- The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006
- Equality & Human Rights Commission replaces Racial Equality, Disability Rights and Equal Opportunities Commission 2 October 2007.