



**Working Together**

# **Equality, Diversity and Inclusion Policy**

**September 2016**

## History of Changes

Version	Description of Change	Authorised by	Date
1.1	Minor rewording and updating from the 2011 version. Inclusion of carers, care leavers and looked after children as groups of people who may experience a disadvantage or additional barriers.	D Killean	8/09/2014
1.2	Inclusion of examples of types of discrimination. Recognition that non-binary gender and intersex people may experience and should be included within the policy. Inclusion of the teaching staffs' responsibilities to teach their students about equality and diversity. Revised and updated Equality Impact Assessment Tools.	D Killean	03/09/2016

## 1. Introduction

We are committed to the principles of equality, diversity and inclusion. We promote an organisational culture which enables every student and every member of staff to feel included, whatever their background, abilities or disabilities, age, race, religion or beliefs, sexual orientation, gender or family circumstances. We embrace the benefits and opportunities that come from having a diverse mix of staff and learners in the College environment. We aim to ensure that the College is an environment that is free from discrimination, harassment and victimisation.

Our commitment to equality, diversity and inclusion is enshrined within our mission and values. Our vision is to inspire growth, create opportunities, raise aspirations and enhance lives. Our values commit us to put the learner at the heart of everything we do, act with integrity and mutual respect and value each and every individual.

We oppose all unlawful or unfair forms of discrimination, harassment and victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or background e.g. being a looked after child or care leaver, having criminal convictions, trade union membership, family, caring responsibilities or any other unjustifiable grounds.

## 2. Scope

The Policy covers all people involved with Borders College, including:

- learners
- teaching and business support staff
- college managers
- members of the Regional Board
- employers
- visitors to the College

We recognise diversity in its broadest sense. Everyone is different so diversity includes us all not just those from minority groups.

We promote a culture of equal rights and equal opportunities. We acknowledge that people often have different starting points and may face disadvantages and barriers. We will ensure that everyone has a fair chance to achieve their agreed goals and that we may take positive action or, where permissible, positively discriminate to help them achieve those goals.

We are particularly concerned with ensuring that those groups within society who are more likely to experience discrimination and are protected by the Equality Act 2010 do not experience unfair discrimination, harassment or victimisation while working at, studying at or visiting Borders College. The Act describes these as Protected Characteristics of which there are nine for employment and eight for the provision of services. These are listed in the table below.

**Table 1: Protected Characteristics**

Employment	Provision of Services
Disability	Disability
Sex (gender)	Sex (gender)
Gender reassignment	Gender reassignment
Marriage or civil partnership	Pregnancy and maternity
Pregnancy and maternity	Race
Race	Religion or belief
Religion or belief	Sexual orientation
Sexual orientation	Age (over 18s only)
Age	

We are also committed to ensuring that looked after children and care leavers are appropriately supported to make the most of their opportunities to gain a place at college, stay at college and achieve a successful outcome. We will also ensure that the needs of learners with significant caring responsibilities are considered in the design and adaptation of our services.

## 2.1 Discrimination

**We will protect individuals from different types of discrimination.**

These are:

**Direct Discrimination** occurs when someone is treated less favourably because they have a protected characteristic.

Example: Male applicants are not selected for a beauty therapy course because the lecturer believes that a beauty salon is an inappropriate place of work for male employees.

**Discrimination by Association** occurs when someone is treated less favourably because they associate with someone else who has a protected characteristic.

Example: An Art & Design student is excluded from a trip to the Edinburgh Art Galleries because they are unable to make the bus leaving time as they have a caring responsibility for their disabled partner.

**Perception Discrimination** is a form of direct discrimination where someone is thought to have a protected characteristic. It applies even if the individual does not have that characteristic.

Example: A male textiles student is subjected to homophobic comments because of his style of dress and choice of course.

**Indirect Discrimination** occurs when the organisation's rules, regulation practices or policies disadvantage a particular group or groups who have a protected characteristic. The College conducts equality impact assessments on new or revised strategies and policies to ensure that any change is considered and adjustments made to minimise the impact on any groups with protected characteristics. The College can justify indirect discrimination where it can show it has acted proportionately and reasonably in achieving a legitimate aim of its business.

Example: A strength test was included within the selection criteria for a construction course and thereby more likely to exclude female applicants.

## 2.2 Harassment and Victimisation

**We have zero-tolerance of any form of harassment and victimisation.**

**Harassment** is unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is in the perception of the individual, not the organisation. Even if the behaviour is not directed at them, whether they do or do not have the protected characteristic, if it is occurring within their environment they have the right to complain of harassment.

**Third Party Harassment** occurs where an individual from outwith the College is harassing either an employee or a student.

**Victimisation** occurs when an employee or student is treated badly because they have made or supported a complaint of discrimination or harassment.

### 3. Key Principles

- We believe that all students and staff should benefit from college life and we are committed to adopting flexible strategies and practices that cater for all and take into account individual circumstances and varying needs.
- We are firmly committed to ensuring that all people have the same right to access learning.
- We are committed to promoting equality and diversity, avoiding unfair discrimination within our own recruitment practices for both employment and study.
- We are committed to ensuring that any changes in the way we provide services or how our services are accessed do not negatively impact on any particular section of society and will impact assess any change to ensure that this is achieved or minimised.

We have developed the following policies, schemes and procedures to put these principles into practice.

#### 3.1 Equality Outcomes and Action Plan

We are committed to eliminating unlawful discrimination and all forms of harassment and victimisation. We will also promote equality of opportunity and foster good relations between the diverse range of people associated with the College, including its employees and those using its services. We are committed to meeting our obligations under the Equality Act 2010 and the Public Sector Equality Duty as the minimum acceptable level.

The Equality Outcomes and Action Plan sets out our aspirations and how we will work to achieve these and improve on our current good practice. The Scheme runs from 2013 until 2017 and includes an action plan that will be reviewed bi-annually. In preparing the Outcomes we consulted with our stakeholders through surveys, focus groups and reviewing of drafts to ensure that the Outcomes would take account of the needs of those it is there to serve.

### **3.2 Inclusiveness**

We will ensure that the College's educational provision responds, as far as possible, to the diverse needs of students from a wide range of circumstances including:

- different sexes
- different racial ethnic and religious backgrounds
- those with specific learning difficulties and disabilities, physical and mobility difficulties
- sensory impairments and medical conditions
- rural isolation
- social disabilities
- additional caring responsibilities
- care leavers and looked after children
- transgender, non-binary and intersex people
- lesbian, gay and bisexual

We will monitor our provision and the success of students of different sex, sexual orientation, ethnicity, age, religion or belief and disability.

We will work to reduce gender imbalances within vocational areas of study.

### **3.3 Safeguarding of Juveniles and Adults at Risk of Harm**

We recognise our obligation to protect children, young people and adults at risk of harm from instances of physical, emotional, sexual or institutional harm whilst attending college. Students attending college have the right to expect protection from harm from any individual(s) connected with the College and its business. Staff are required to respond proactively and protectively to alleged or actual incidents of harm.

### **3.4 Looked After Children**

Young people who have left care or are looked after children are statistically less likely to achieve well at college. We will recognise our obligation to these young people and ensure that suitable support is in place to improve their chances of achieving their learning goal.

### **3.5 Recruitment of Ex-Offenders**

We actively promote equality of opportunity for all and welcome applications, both as an employer and as a provider of education, from a wide range of candidates including those with criminal convictions. We undertake to treat all applicants fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. Having a criminal record will not necessarily debar any individual from working or studying at Borders College. This will depend on the nature of the position, together with the circumstances and background of the offences.

### **3.6 Harassment**

We recognise our responsibility to provide a safe and healthy environment and uphold the right of employees and students to be treated with dignity and respect. Harassment is harmful, causes distress, and can lead to illness and poor performance. No form of harassment will be condoned at the College, whether it is between staff, students or visitors.

Where appropriate, every effort will be made to resolve the situation informally. Some incidents, however, by virtue of their serious nature, will need to be dealt with immediately under the College's formal procedures.

### **3.7 Victimisation**

We will ensure that staff and students can complain or bring to our attention any concern about discrimination or harassment without fear of victimisation.

We will investigate any claims of victimisation and make every effort to resolve the issue informally unless the seriousness of the incident is such that formal proceedings are required.

### **3.8 Complaints**

Where an individual or group wishes to make a complaint that we have not complied with the requirements of this policy we will encourage them to make a complaint following our Complaints Handling Policy and Procedure.

The Scottish Human Rights Commission (SHRC) provides useful information on where to get advice and support if someone feels they are a victim of discrimination or harassment but is unable to provide individual advice itself.

Website details:

<http://www.scottishhumanrights.com/abouthumanrights/helpwithhumanrights>.

### **3.9 Changes to Service and Policy Management**

We ensure that any change to our service impacting on people and our policies relating to services are equality impact assessed prior to changes being implemented to ensure that they do not adversely discriminate against any particular section of society.

## 4. Responsibilities

The implementation of our equality policy is the duty of all managers. Employees also have a duty to uphold this policy. Those who do not may find themselves facing disciplinary action. Discrimination on the grounds of a person's age, disability, sex, gender reassignment, marital or civil partnership status, pregnancy and maternity, race, sexual orientation or religion and belief is not tolerated and is likely to be unlawful under the equalities legislation.

Individuals should be aware that if they harass another person because of their Protected Characteristics they could be personally liable and may have to pay compensation themselves. This liability is separate from, and in addition to, any compensation that the College may be ordered to pay.

**Regional Board:** All members of the Regional Board are responsible for making sure that the College complies with equality legislation, meets all its duties and ensures that the Policy and the Equality Outcomes and Action Plan and its procedures are followed.

**Principal and Chief Executive:** The Principal is responsible for giving a consistent and high-profile lead on equality issues, promoting equality inside and outside the College, and making sure that the Policy and the Single Equality Scheme and its procedures are followed.

**The Senior Management Team:** The Senior Management Team is responsible for putting the Policy and the Equality Outcomes and Action Plan into practice. Their role is to make sure that all staff are aware of their responsibilities and that they receive support and training in carrying these out. It is their responsibility to follow the relevant procedures and take action against staff or learners who may be discriminating unlawfully. They are also responsible for ensuring that resources are made available to deliver the proposed action points.

**Equality and Diversity Committee:** The College's Equality and Diversity Committee includes representation from the Senior Management Team, Students Association, staff from all areas of the College, and individuals representing groups with protected characteristics. The Committee is responsible for overseeing the development, implementation and monitoring of this policy and the Equality Outcomes and Action Plan.

**Line Managers:** All line managers are responsible for embedding a culture that embraces equality of opportunity and welcomes and respects diversity. Line Managers will lead by example and challenge staff and students if inappropriate behaviour occurs. They have a responsibility for both informally and, where necessary, formally managing discriminatory behaviour. They must ensure that they understand their responsibilities under equalities legislation. Where they have responsibility for academic matters they are responsible for ensuring that equality and diversity are embedded within the curriculum.

**Staff:** All staff are responsible for promoting equality and being able to recognise and tackle discrimination and stereotyping. All staff have a legal obligation and a personal responsibility with regard to equality. They should ensure that they attend training to enhance their understanding of the commitment to equality and diversity and the elimination of discrimination. Teaching staff should make good use of opportunities to promote understanding of equality and diversity and associated legislation amongst their students.

**Learners:** All learners are responsible for promoting equality and good relations generally and avoiding discrimination. Learners should be aware of discrimination and / or harassment and feel able to challenge or report it if they witness it.

**Contractual and Service Providers:** All contractors and service providers on behalf of the College are responsible for adhering to this policy and any equality conditions in contracts or agreements. The College will ensure that the appropriate conditions are inserted in contracts or agreements with any external providers of services.

## 5. Related Documents

### Internal

Bullying and Harassment Policy

Dismissal, Disciplinary and Grievance Policy

Employee Resourcing Policy

Professional Conduct between Staff and Students Policy

Staff Handbook

Student Discipline Policy

Equality Outcomes and Action Plan 2013-2017

Safeguarding Policy

Policy on the Recruitment of Ex-offenders

Policy Management Procedure

Procurement Policy

Employee Discipline Policy and Procedure

Employee Grievance Policy and procedure

Performance Improvement Policy and Procedure

Gender Based Abuse Policy and Guide

Domestic Abuse Policy

Full copies of all policies are available on the website [www.borderscollege.ac.uk](http://www.borderscollege.ac.uk) or by application to the Publications department.

### External

Equality Act 2010

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## Equality Impact Assessment (EQIA)

This is a systematic way of assessing a proposed service change, strategy, policy or procedure which impacts directly or indirectly on staff or the users of college services (hereafter known as the Proposal).

The responsible manager must ensure that their Proposal does not adversely discriminate against any group or individual whether by way of their sex, gender reassignment, sexual orientation, marriage or civil partnership, pregnancy and maternity, disability, age, religion or belief, or race and does not contravene equalities legislation. In addition, the equality impact assessment should consider the impact the proposal may have on an individual or group because of aspects of their social circumstances including trade union membership, poverty and deprivation, criminal convictions, looked after children and care leavers.

The Proposal will be assessed for its impact on equality. The rapid impact assessment tool should be used by the manager in the early stages of Proposal formation to judge the impact it may have on individuals or groups of individuals. Where it is judged that there is the **potential** for negative impacts from the Proposal that cannot be simply rectified at the early planning/writing stage then a full impact assessment will be required before the Proposal can be approved. Where a Proposal has no relevance to the promotion of equality or where the impact is wholly positive no further analysis of the Proposal's impact on equality is required. The Proposal along with the completed rapid impact assessment should be submitted for approval to the relevant committee, management or to the Board along with the completed EQIA.

Where a Proposal has the **potential** to have a negative impact on equality issues it must be subject to a full EQIA; the second stage of the process. A policy is deemed to have a potential impact on equality in all cases where it relates to access to any college services, funding or employment and will be subject to full equality impact assessment.

To complete a full EQIA the author creates an EQIA team and uses the template to impact assess the Proposal (see appendices). The Proposal is then adjusted following the actions to be taken. The full EQIA must be submitted to the relevant management team, committee or the Board along with the draft Proposal.

## **Policies**

Where a group of policies relate to a single service that is relevant to equalities an EQIA may be conducted on the service and its policies in their entirety. The service manager must agree this approach with the College senior management team prior to commencement.

The chair of the JCCP will prioritise any new policies or the review of any existing policies that address equality issues or have raised concerns that they do not comply with the Equalities Act 2010.

No policy will be approved by the JCCP until an impact assessment has been conducted and any necessary revisions made to ensure that the policy complies with the Equalities Act 2010.



## Rapid Equality Impact Assessment Tool

The rapid impact assessment tool requires you to consider the impact your proposal will have on people. Defined below are the types of proposals that require impact assessment, the type of groups the proposal may impact upon and what is meant by an impact.

### Definitions

“Proposal” means any change in service, policy, procedure, strategy, guide or publicity material created to support the business of Borders College.

“Groups” means a subset of our staff, students or other College stakeholders defined by:

- race,
- disability
- sexual orientation
- employment
- pregnancy and maternity
- income
- poverty and deprivation
- sex, including non-binary and intersex
- transgender/gender reassignment
- religion or belief
- age
- health
- marriage and civil partnership
- looked after children and care leavers
- criminal convictions

“Impacts” means an effect on:

- employment
- social cohesion
- lifestyle
- finances
- safety
- ability to access our education services
- ability to complete studies successfully
- discrimination against any group or individual
- working conditions

## Equality Impact Assessment

(Rapid impact assessment tool)

What Impacts may there be from this proposal on any group's ability to use the College services?

**Policy:**

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
<b>Actions taken to alleviate any negative Impacts:</b>	
<b>Recommendations:</b>	

From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?

Has a full Equality Impact Assessment been recommended?

Yes

No

Reason for recommendation:

## Equality Impact Assessment Template

(Full assessment tool)

<b>Part 1 – Overview of strategy, policy, proposal being equality impact assessed</b>	
Person responsible for the assessment:	
Name of the policy/proposal to be assessed:	
Date of Assessment:	
Is this a new or existing policy/proposal?	
1. Briefly describe the aims, objectives of the policy, please explain:	
2. Are there any associated objectives of the policy, please explain.	
3. Who is intended to benefit from the policy and in what way?	
4. What outcomes are wanted from this policy?	
5. What factors/forces could contribute/detract from the outcomes?	
6. Who are the main stakeholders in relation to the policy?	
7. Who implements the policy and who is responsible for the policy?	

<b>Part 2 – Analysis by Protected Characteristic or other potentially disadvantaged group</b>		
8. Could there be a positive or negative impact because of a group or person’s ethnicity?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
9. Could there be a positive or negative impact due to the sex of the individuals? (Include binary, non-binary and intersex)	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
10. Could there be a positive or negative impact due to disability?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
11. Could there be a positive or negative impact on people due to sexual orientation?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
12. Could there be a positive or negative impact due to transgender or gender reassignment?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		

13. Could there be a positive or negative impact due to religion or belief?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
14. Could there be a positive or negative impact due to pregnancy or maternity?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
15. Could there be a positive or negative impact due to age?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
16. Could there be a positive or negative impact due to marriage or civil partnership?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
17. Could there be a positive or negative impact due to the person being a looked after child or a care leaver?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		

18. Could there be a positive or negative impact due to poverty or deprivation?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
19. Could there be a positive or negative impact due to past criminal convictions?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		
Evidence:		
20. Could there be a positive or negative impact due to employment or trade union membership?	Yes	No
Impact:		
What existing evidence (either presumed or otherwise) do you have for this?		

<b>Part 3</b>	
Membership of E.I.A Team:	
Other Consultees:	

Action to be taken as a result of the Assessment	By Whom	By When

Date proposed actions agreed by JCC (Policy):	
Date Policy/Procedure/Guidelines Amended:	
Method of Publicising/Publicising Amendments:	

The Equality Impact Assessment must be published alongside or as part of the Strategy, Policy, or Procedure to which it pertains.

## Equality Impact Assessment

(Rapid impact assessment tool)

**What Impacts may there be from this proposal on any group's ability to use the College services?**

**Policy: Equality, Diversity and Inclusion Policy**

<b>Positive Impacts (Groups affected)</b>	<b>Negative Impacts (Groups affected)</b>
The policy sets out the College's commitment to provide a learning environment that embraces diversity and provides equality of opportunity. The College will ensure that it meets duties set out in the Equality Act 2010. It will be inclusive and supportive of all groups with protected characteristics and to those other groups, such as looked after children and carers, who can experience additional barriers to applying attending and having a positive outcome from college	None identified
<b>Actions taken to alleviate any negative Impacts:</b> Not applicable	
<b>Recommendations:</b> None	

**From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?**

**Has a full Equality Impact Assessment been recommended?**

Yes

No

**Reason for recommendation:**

The policy is concerned with promoting equality, diversity and inclusion.

Status: Agreed by JCCP and the Regional Board  
Policy Dated: September 2016  
Author: Director of Business Improvement and Performance  
Review Date: September 2019  
Equality Impact Assessed: September 2014