



Regionally Focused – Globally Engaged

Equality, Diversity and Inclusion Policy

May 2020

History of Changes

Version	Description of Change	Authored 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
1.3	Minor rewording and updating from the 2016 version. Updating of 'responsibilities' section including addition of Equality Diversity and Inclusion Officer (from p.11). Updated 'related documents' section. Removal of section relating to completion of Equality Impact Assessments. Revised and updated Equality Impact Assessment (p.16)	A Brydon	30/03/2020

1. Introduction

We are committed to the principles of equality, diversity and inclusion. We promote an organisational culture that 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 students 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 and behaviours.

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:

- students
- 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.

Equality, Diversity and Inclusion Policy

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 students 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 out with 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 assessed 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.

Our current 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 document includes an action plan that will be reviewed regularly. 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 people

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

Care leavers and care-experienced young people are statistically less likely to achieve well at college. We will recognise our obligation to these 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: www.scottishhumanrights.com/information-advice/.

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. Staff 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: The Board is responsible for scrutinising equality and diversity practice to ensure statutory duties are met.

Principal and Chief Executive: The Principal is responsible for ensuring that statutory duties are met and for ensuring a consistent and high-profile lead on equality issues.

The Strategic Leadership Team (SLT): SLT are responsible for providing a strong leadership focus on equality and diversity within departments, making sure the policy and associated action plans are followed. SLT will embed a culture that embraces equality of opportunity and welcomes respect and diversity across the college.

Equality, Diversity and Inclusion Policy

Equality and Inclusion Committee: The Equality and Inclusion Committee consists of representatives from across the college, including staff and student representatives. The committee will:

- Develop, review and monitor equality action plans and approve all progress reports
- Contribute to Equality Impact Assessments of plans, policies and other key documents
- Progress college plans to advance and embed equality and diversity, including championing changes in practice and procedure
- Approve policies, procedures and plans as required to advance equality and diversity

Equality, Diversity and Inclusion Officer: The Equality, Diversity and Inclusion Officer will:

- Ensure that students and staff are aware of this policy and their obligations under it
- Monitor and evaluate the progress of the policy and encourage positive action to address any areas of concern
- Provide advice and guidance, and support any training where necessary

Line Managers: Managers across the College will promote equality and diversity in support of this policy. Managers will:

- Ensure they do not discriminate in the course of their duties, and seek appropriate guidance from Human Resources where they think discrimination may occur
- Ensure that staff in their teams have received appropriate Equality and Diversity training
- Actively challenge instances of discrimination, harassment or victimisation
- Take appropriate action against those who infringe this policy
- Ensure equality and diversity is embedded within the curriculum where they have responsibility for academic matters

Staff: Individual staff at all levels are expected to uphold the principals within this policy. Staff will:

- Treat others with dignity
- Identify and inform managers of any suspected discriminatory practices
- Attend training to enhance their understanding of the commitment to equality and diversity and the elimination of discrimination
- Make good use of opportunities to promote understanding of equality and diversity and associated legislation amongst their students

Students: Students are responsible for:

- Conducting themselves and treating others in accordance with the principals of this policy
- Being 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 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

Full copies of all policies are available on the website www.borderscollege.ac.uk/college-documents/policy-procedural-documents/ or by application to the Publications department.

External Links

Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/contents

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