

# Equality and Diversity Policy

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September 2017

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## 1. Introduction

This document reaffirms Sandwell Adult and Family Learning Service’s (S.A.F.L) commitment to achieving equality of opportunity, both as an employer and as a training provider.

This policy is an integral part of SAFL’s value system and it applies to staff, learners and partner organisations that exercise or benefit from the services functions.

SAFL will support this policy through guidance, support and training for all staff.

The policy is intended to be relevant to the current service provisions and will be reviewed annually (during September) in the light of service developments and changes in the statutory frameworks in the United Kingdom and Europe, local circumstances, developing and evolving best practice, and as part of a continuous improvement process.

## 2. Statement of Intent for Equality and Diversity

Our statement of commitment:

“Sandwell is committed to ensuring that services are provided that embrace diversity, promote equality of opportunity and access. As an employer we are also committed to equality and valuing diversity within our workforce. Our goal is to ensure that this commitment is embedded in our day to day working practices with all our customers, colleagues and partners.”

We will provide equality of opportunity and will not tolerate discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

As a council, we will consider equality and diversity in everything we do, and to play an important part in working towards the life chances and opportunities for all local people. We have strengthened and integrated equalities through the Sandwell scorecard and made clear links with the councils three equality objectives.

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Sandwell Council has identified three key equality objectives that demonstrate our commitment to eliminating unlawful harassment and discrimination, and to promote equality of opportunity, and these underpin the Sandwell Scorecard.

Our three equality objectives are:

- **We will** build strong and prosperous communities by talking to people and involving them in what we do.
- **We will** ensure that people can use our buildings, service and information.
- **We will** ensure that we meet individuals' needs in the range of service we secure.

The equality objectives will be reviewed on a regular basis informed both by changes within the council, and through engagement and feedback from customers, key partner organisations and voluntary groups in Sandwell. This will ensure they remain relevant and are fit for purpose as the council moves forward towards achieving excellence.

All members of staff working for the council have a personal responsibility for implementing the equality duty in their day-to-day dealings with customers, with each other and with partners. This includes the need to provide services which have been planned and delivered around people's needs and to represent value for money on behalf of people of Sandwell.

**Sandwell Council (Reviewed June 2013)**

### 3. Scope of the Policy

- 3.1 This policy covers all aspects of the work of SAFL, including, but not limited to teaching and learning, governance arrangements, employment, procurement and relationships with external partners and stakeholders.

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## 4. Key Principles and Commitments

4.1 This policy has been guided by the Equality Act 2010 that covers the public sector Equality Duty and the following ‘protected characteristics’:

- Age
- Disability (physical and mental impairment)
- Race (including colour, nationality, ethnic or national origin)
- Religion or belief or lack of religion / belief
- Sex
- Sexual orientation
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity

The public sector Equality Duty ensures that public bodies consider the needs of all individuals in shaping policy, in delivering services and in relation to their own employees.

The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination.
- Advance equality of opportunity.
- Foster good relations.

As part of its commitment to the Equality Act, SAFL will consciously ensure that the three aims of the Equality Duty are properly considered in the process of decision making, policy review, design, delivery and evaluation of its services.

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4.2 It is the policy of SAFL to treat all learners, customers, employees, applicants for employment and partners fairly. SAFL is fully committed to the following key Equality and Diversity principles:

- The service will provide a safe environment in which to learn
- Every person will be welcome and welcomed
- Every person will be treated fairly, with courtesy and respect
- Every person has an equal right of access to the service
- Access should be as easy, flexible and obstacle-free as possible
- All staff have the right to appropriate and proper resources, training and development opportunities
- The needs of service users and learners will be met in relation to supporting them to fulfil their course of study
- Views of staff, learners and service users will be integral to developing the service
- The service will value the diversity and difference which exists in people and between communities
- The service will promote and support the cultural and educational needs of the whole community
- The service will develop mechanisms for monitoring, evaluation and review
- The service will take positive action to redress any gender, racial or other imbalances within the learning community, the workforce or within success and achievement rates
- The service will fully comply with and support all relevant legislation both in the letter and spirit of the law
- The service will treat all acts of discrimination, harassment, victimisation and bullying on the grounds of any of the 'protected characteristics' as a disciplinary offence

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## 5. Curriculum

Within the provision of our curriculum the service will:

- 5.1 Promote planning, teaching and learning styles and resources that encompass the concept of equality, diversity and inclusion.
- 5.2 Commit to narrowing achievement gaps between different groups of learners.
- 5.3 Promote learning material free from any form of discriminatory assumptions, images and languages.
- 5.4 Provide facilities that meet individual needs.
- 5.5 Provide the opportunity for learners to achieve mutually agreed goals (individual learning programmes) and wherever possible adapt the learning environment in order to maximise the learner's potential.
- 5.6 Work closely in partnership with other educational providers and relevant agencies in order to share data and identify which groups are underrepresented in our local communities.

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## 6. Marketing and Information

In producing and providing effective marketing and information the service will:

- 6.1 Promote its services to underrepresented individuals and groups.
- 6.2 Base curriculum design and delivery on individualised need and provide appropriate support systems as identified.
- 6.3 Develop a flexible learning offer and provide information in a variety of public and community venues and in a variety of alternative formats.
- 6.4 Where reasonable, interpretation, translation or transcription services will be used in line with Sandwell Council’s protocols.

## 7. Recruitment and Selection

Within the process of recruitment and selection the service will ensure that:

- 7.1 No applicant or employee is treated less favourably than another in terms of selection for employment, working conditions, through application of HR procedures or in career advancement.
- 7.2 Recruitment and selection procedures do not directly or indirectly discourage or discriminate against groups with ‘protected characteristics’ who may wish to apply for vacant posts.
- 7.3 All staff responsible for, or involved in, the recruitment and selection of staff will be familiar with the Sandwell Council Equality Policy (HR89) and other related HR procedures and will act in accordance with its equality requirements.

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## 8. Arrangements for Implementation

- 8.1 The service will consult users and stakeholders regularly about this policy.
- 8.2 The service will ensure that the outcomes of actions, for example of equality of targets or positive actions in relation to ‘protected characteristics’, are achieved and published.
- 8.3 Where appropriate and reasonable, the service will set up an Equality and Diversity Forum enables it to embed and advance the principles of this policy.

## 9. Codes of Practice

- 9.1 The service will adhere to all operational practices identified within Sandwell Council HR policies and procedures both as an employer and a provider of education and training services.

## 10. Monitoring

- 10.1 Local and national data will be collected, reviewed and used effectively to monitor, plan and develop our services.
- 10.2 SAFL policies will be reviewed regularly to ensure their currency and effect.
- 10.3 The service will contribute to Sandwell Council workforce monitoring and use its analysis to improve its practices.
- 10.4 The service will adopt Sandwell Council harassment and monitoring procedure and use its analysis to improve its practices.
- 10.5 SAFL may, where appropriate and reasonable, set up other monitoring practices that enable it to check its performance against this policy.

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## 11. Accountabilities

- 11.1 The Senior Leadership Team (SLT) has the overall day-to-day responsibility for overseeing the management of the policy and any concerns arising under the policy.
- 11.2 Line managers are responsible for applying the policy within their areas of responsibility and for dealing with any concerns raised under the policy.
- 11.3 The Chair of the Equality and Diversity Forum is responsible for implementation and review of the policy and providing guidance in relation to any concerns raised under this policy. The Equality and Diversity Forum is responsible for monitoring the operation of the policy (Terms of reference for the Equality and Diversity Forum are shown in Appendix 2).
- 11.4 Everybody has a responsibility to apply all principles of the policy in their area of work and staff may, from time to time, be given specific work related to objectives of this policy.

## 12. Relationships to other Policies

- 12.1 The Equality and Diversity Policy applies across all other policy area, as defined within the scope of this policy and will take precedence if there are any practices or criteria inconsistent with this one.

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## 13. Monitoring and Review

13.1 The service will undertake regular monitoring of learners and staff by the following categories linked to ‘protected characteristics’:

- Age
- Disability
- Race
- Sex

The data will be analysed and presented to the Equality and Diversity Forum at least annually.

## 14. Training and Development

14.1 The training and development needs of staff will be considered as part of the arrangements for performance management. Staff training opportunities will be funded and made available within the normal working day, where possible.

## 15. Breaches of the policy

15.1 Breaches of the policy will be dealt with in accordance with the disciplinary provisions set out in the relevant service policy.

15.2 The service does not accept or condone discrimination of any nature, either direct or indirect.

15.3 No forms of discrimination will be tolerated; any incident of discrimination will be investigated and dealt with through Disciplinary Procedure. Each member of staff is responsible for ensuring that incidents of discriminatory behaviour are recorded and referred to the relevant member of the Senior Leadership Team. For more details on the forms of unlawful actions covered by Equality Act 2010 refer to Appendix 1 .

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## Appendix 1

### Types of Discrimination

#### Direct discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic.

#### Associative discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic (for example, a mother of a disabled child). This does not apply to marriage and civil partnerships or pregnancy and maternity.

#### Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. This does not apply to marriage and civil partnerships or pregnancy and maternity.

#### Indirect discrimination

Indirect discrimination can occur when an employer has a condition, rule, policy or a practice in the company that applies to everyone but which particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if employers can show they acted reasonably in managing their business. This does not apply to pregnancy and maternity.

#### Harassment

Harassment is “unwanted conduct related to a relevant 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 the individual”. This does not apply to marriage and civil partnerships or pregnancy and

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maternity. There is also protection from harassment because of perception and association.

### Victimisation

Victimisation occurs when a person is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. This protection does not apply if the person has maliciously made or supported an untrue complaint. This applies to all of the protected characteristics.

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## Appendix 2

### Equality and Diversity Forum

#### Membership

Amarjeet Kaur	Data / Admin Officer
Kirit Vadukul	Business Support Assistant
Lisa Espinosa	Senior Lead Officer – Adult Learning
Siân Breese	Senior Lead Officer – Adult Learning
Tonia Green	Senior Manager

#### Aim

To raise the profile of equality, diversity and inclusion issues, and champion them within the service and externally in the community.

#### Terms of Reference

- To monitor, evaluate and make recommendations for the effective development and implementation of the service’s equality and diversity policy.
- To receive annual (or as required) reports based on monitoring data.
- To review targets set for learner recruitment, progress, achievement and destination ensuring that the recruitment, performance and destinations of different learner groups are closely monitored and actions taken to address any identified gaps.
- To raise awareness and promote equality matters amongst all staff, learners and delivery partners of SAFL, through a planned programme of staff development and communication (via a termly newsletter focussed on equality and diversity issues).

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- To review incidents and complaints specifically in relation to equality, diversity and bullying and ensure that these are proactively managed and addressed, including providing training and support as appropriate.
- To ensure that SAFL is compliant with Government counter-terrorism legislation and can demonstrate 'due regard to the need to prevent people from being drawn into terrorism', which includes the promotion of British values.
- To keep under review all areas of SAFL practice (including recruitment and selection) with regard to equality and diversity and to make recommendations for change whenever necessary to ensure that the service strives for best practice in this field.
- To ensure arrangements are in place to protect all students and staff from harassment, bullying and discrimination and to ensure that these arrangements are effective.

### Frequency of Meetings

The group shall meet on at least three occasions per year on a termly basis.

### Reporting

The proceedings of the forum will be recorded and reported to the Senior Leadership Team.

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## Appendix 3

### Useful Documents and Relevant Legislation

Set out below are useful documents including specific policies and strategies which are relevant to Equality and Diversity.

#### SAFL Documents

- Additional Learning Support Policy
- Behaviour Policy
- Safeguarding Policy
- Learner Involvement Strategy

#### Sandwell M.B. C. Documents

- Equality Policy (HR89)
  - Sandwell Council Statement of Intent for Equality and Diversity
  - Sandwell Scorecard and Equality Objectives
- Performance Capability Policy (HR2)
- Grievance Policy (including Harassment) (HR40 and HR40.1)
  - Procedure for Collective Grievances (HR17.1)
  - Harassment Support Officers (HR40.4)
- Confidential Reporting Code

#### Legislation

- Immigration, Asylum and Nationality Act 2006
- Children Act 2004 (Every Child Matters)
- Children and Families Act 2014
- Data Protection Act 1998
- Equality Act 2010
- Freedom of Information Act 2000
- Gender Recognition Act 2004
- Human Rights Act 1998 (updated 2004)
- Mental Health Act 2007
- Mental Health (Discrimination) Act 2013
- Safeguarding Vulnerable Groups Act 2006
- Special Education Needs and Disability Act 2001

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## Useful Websites

- Commission for Equality & Human Rights [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- Skills Funding Agency [www.gov.uk/government/organisations/skills-funding-agency](http://www.gov.uk/government/organisations/skills-funding-agency)
- Association of Colleges [www.aoc.co.uk](http://www.aoc.co.uk)
- NIACE [www.niace.org.uk](http://www.niace.org.uk)
- OFSTED [www.gov.uk/government/organisations/ofsted](http://www.gov.uk/government/organisations/ofsted)
- Directgov [www.direct.gov.uk/](http://www.direct.gov.uk/)
- Human Rights Act [www.Amnesty.Org.Uk/issues/Human-Rights-Act](http://www.Amnesty.Org.Uk/issues/Human-Rights-Act)

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