



WESTMINSTER ADULT EDUCATION SERVICE Equality and Diversity Policy

Lead Responsibility	Principal and Head of Service	Approved by	Executive Board
Version	4	Date of first approval	August 2013
First Effective from	1 September 2013	Reviewed	September 2017
Policy applicable to	All staff, learners, volunteers, visitors and sub-contractors	Date of next review	July 2019

Westminster Adult Education Service Equality, Diversity and Inclusion Policy

1. INTRODUCTION

- 1.1 Westminster Adult Education Service (WAES) is a direct delivery service within Westminster City Council (WCC) and the Equality Act 2010 requires local authorities to publish their equality objectives. These are currently published on the City Council's website.

<https://www.westminster.gov.uk/equality-and-diversity>

These objectives are required to help public bodies further the three aims of the general **Public Sector Equality Duty**:

- Tackle unlawful discrimination
- Promote equality of opportunity
- Foster good relations

WAES's Equality and Diversity Policy operates within the framework of WCC Equality objectives and outlines how WAES fulfils the public sector equality duty in relation to all its functions.

2.0 SCOPE OF THIS POLICY

- 2.1 This is an overarching policy on equality and diversity that applies across all the functions of the Service, including employment, teaching and learning, procurement, marketing and admissions. The implementation of the policy is linked to a number of related policies and procedures, a list of which can be found at Appendix 1.
- 2.2 This policy applies to all learners, staff, volunteers, contracted staff and visitors to our centres, in respect of all aspects of the Service's provision and the employment relationship.
- 2.3 The Service will also promote the principles of this policy in its dealings with external contractors by having in place equality and diversity requirements as part of the tender process and documentation.

3.0 THE LEGAL CONTEXT

- 3.1 The Service welcomes and abides by all statutory provisions on equality and diversity. The Equality Act, 2010, recognises nine **protected characteristics**:

- Age
- Disability (including physical or sensory impairments, mental health, long term medical conditions such as epilepsy, HIV/AIDs and neuro-diverse conditions such as dyslexia and ADHD)
- Gender
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion and belief
- Sexual orientation

3.2 The Service will not tolerate any form of discrimination, bullying or harassment on the grounds of any of the **protected characteristics**.

3.3 Under the Act, the Service has a **public duty** to give due regard to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity. This includes the need to:
 - Remove or minimise disadvantage experienced by persons who share a protected characteristic;
 - Take steps to meet the needs of people who share a protected characteristic that are different from the needs of people who do not share the protected characteristic. This includes taking steps to take account of disabled people’s impairments, even when that means treating disabled people more favourably or using positive action to achieve this duty;
 - Encourage persons with a protected characteristic to participate in public life or any other activities where participation is disproportionately low.
- Foster good relations – which can include tackling prejudice and promoting understanding between people of different groups.

4.0 RESPONSIBILITIES

- Strategic responsibility for equality and diversity lies with the Principal/Head of Service and the Executive Board.
- The Service Management Team will review equality and diversity issues for learners, volunteers and staff.
- All staff, volunteers and learners have a right to work and learn in an environment free from bullying or harassment. Governors, managers, staff, volunteers and learners share the responsibility for creating an environment

that is free from discrimination and which promotes equality of opportunity and values diversity.

- Staff, volunteers and learners must comply with the policy and treat others with respect at all times.
- Any incidence of discrimination or harassment must be taken seriously and dealt with sensitively. Where learners, volunteers or staff encounter discriminatory practice or behaviour, including those by a person who provides a service on behalf of WAES, they are expected to actively discourage it and/or to report the matter to their tutor or line manager. Appendix 2 outlines the types of unlawful discrimination.
- Staff and volunteers should also participate in equality and diversity training and other relevant development activities where possible.
- Line Managers are responsible for ensuring their staff and volunteers understand equality and diversity issues and how to report any perceived discrimination or harassment. In addition they are responsible for ensuring their part-time staff are not disadvantaged in any way and that complaints of discrimination or offensive behaviour are dealt with promptly.
- Service providers working on Service premises are expected to operate within the law and are encouraged to adopt the terms of this policy.

5.0 COMMITMENT TO EQUALITY, DIVERSITY AND INCLUSION

5.1 We are committed to embedding equality and diversity through:

- Identifying and removing the potential barriers that may prevent current or future staff and learners from reaching their full potential while studying or working for the Service;
- Providing an environment which values and celebrates diversity and is free from unlawful discrimination, harassment or victimization of any kind;
- Working towards creating a positive and safe environment where staff, volunteers and learners feel secure, included and the diversity of all is respected.

5.2 For learners

In its commitment to learners, the Service undertakes to

- Deliver services to learners in a way which is sensitive to their cultures, ethnic backgrounds, beliefs, sexual orientation, gender, age, class and disabilities;
- Ensure entry criteria and interview procedures do not discriminate unfairly.
- Ensure the curriculum offer reflects the needs of potential and existing learners, and includes sufficient equality and diversity content.
- Promote styles of teaching and learning that support learners' individual needs.
- Provide appropriate support to assist all learners to achieve their potential;

- Research and respond to the educational needs of the local community including any isolated sections of the community;
- Ensure the content and language of all course information is clear and presents positive images;
- Make clear our expectations and commitments to equality and diversity in our marketing materials and events, during the learner admissions process and during induction.

5.3 For staff and volunteers

In its commitment to staff and volunteers, the Service undertakes to

- Ensure all staff and volunteer related policies and procedures promote equality of opportunity and are not unlawfully discriminatory in their operation;
- Work towards the achievement of a workforce that is representative of the diversity of the communities from which we recruit and the learner population;
- Ensure training, development and progressions opportunities are available to all staff and volunteers;
- Arrange training for staff and volunteers on relevant equality and diversity issues and include equalities issues in training on employment practices
- Consult with appropriate staff to identify any potential barriers to recruitment, promotion and retention;
- Oppose all forms of unlawful or unfair discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy related to the protected characteristics.

5.4 For learners, volunteers and staff:

- Ensure that as far as is practically possible, all learners and staff have access to the full range of services;
- Work with learners, volunteers and staff with disabilities or learning difficulties to agree reasonable adjustments in order to minimise any disadvantage they may face.

6.0 IMPLEMENTATION

6.1 The Service has the following measures and plans in place to help it achieve equality, diversity and inclusion for learners, volunteers and staff:

- The Service's Strategic Plan;

- Service Management Team which has cross-Service equality and diversity responsibilities;
- Performance review meetings monitor equality and diversity issues in curriculum delivery;
- Equality and Diversity monitoring via the SAR process and Action Plans;
- Membership of or links with FE sector organisations that promote equality e.g. the Education and Training Foundation
- Staff and learner awareness raising events to support a range of equality and diversity events;
- Specific services and courses to meet the needs of learners with additional learning support needs e.g. the Additional Learning Support Service;
- Training in equality and diversity areas;
- Compliance with the Prevent Duty;
- Learner surveys, learner and staff focus groups;
- A code of conduct for learners which specifically addresses equality and diversity issues.

7.0 TRAINING, COMMUNICATION AND AWARENESS

7.1 The Service is committed to using a number of different ways to communicate our policy to ensure all our staff, governors, learners and visitors:

- understand our commitment to equality and diversity;
- understand their responsibilities and role in the process;
- know where to seek advice and guidance;
- know how to make complaints and are confident that they will be handled effectively.

7.2 These methods will include equality and diversity being covered via;

- training/briefing meetings for all staff/governors;
- briefings for employees and trade union representatives;
- information on local notice boards and on the website;
- details in learner and staff handbooks;
- employee/learner individual induction;
- managers who can guide employees through the policy and procedures;
- articles in the staff newsletter.
- Service wide events that celebrate equality and diversity;

8.0 MONITORING AND EVALUATION

- 8.1 Learner enrolment, retention, and achievement, learner surveys and complaints are annually monitored by ethnic group, gender, language, age, disability and learning difficulty and the findings used to inform the Service Self-Assessment process.
- 8.2 Learners' views on the implementation of the policy are identified by means of learner surveys and focus groups.
- 8.3 All aspects of the employment process from recruitment, grievances, disciplinaries, and redundancies through to employment tribunal applications are regularly monitored by managers and governors. Monitoring covers ethnic group, gender, age, disability, religion and belief, sexual orientation. The findings are used to inform employment and development strategies and to address any negative equality and diversity impact where identified.
- 8.4 The implementation of the Policy is monitored by Governors, the Executive Board (EB) and the Service Management Team.
- 8.5 Monitoring and review of equality issues feed into the Service SAR, Strategic Plan and the Quality Improvement Plan. The Board of Governors, EB and the Service Management Team receive reports arising from the monitoring of equality and diversity issues.
- 8.6 The following systems are proposed, or in place, to monitor and evaluate the equality and diversity impact WAES policies, services, courses and curriculum:
 - Annual SARs;
 - Learner surveys, learner and staff focus groups;
 - Equality Impact Assessments;
 - Equality Action Plans;
 - Trade Unions.

RELATED POLICIES & PROCEDURES,

Learners:

- Additional Learning Support procedures
- Data Protection Policy
- Health and Safety policies
- ICT Acceptable Use Policy
- Learner Behaviour Policy
- Learner Recruitment Policy
- Safeguarding and Prevention of radicalisation Policy

Staff:

- Staff Development Policy
- WAES Strategic Plan
- WCC Equality Objectives

WCC Policies for e.g.

- Adoption Leave
- Dignity at Work(Grievance)
- Disciplinary Policy
- Equal Pay Policy
- Equalities Reasonable Adjustments Guide
- Flexible Working
- Maternity/Paternity Leave
- Recruitment
- Retirement
- Sickness Absence
- Special Leave
- Supported Employment Guide
- Unsatisfactory Performance
- Whistleblowing

THE EQUALITY ACT: TYPES OF UNLAWFUL DISCRIMINATION

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not

complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Previous equality legislation recognised disability-related discrimination. The Equality Act 2010 replaces this with two new causes of action in relation to disability – indirect discrimination (see above) and **discrimination arising from a disability**. The latter occurs when a disabled person is treated less favourably because of something connected to their impairment.

Failure to make reasonable adjustments happens when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared to a non-disabled person.

In the majority of cases, the Service will be legally liable if a court found that discrimination, harassment or victimisation had occurred. However, it is also important to realise that individuals can also be held responsible for their own actions.

Customers, suppliers and other people not employed by the Service

The Service will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company.

Employees and learners should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

The Service will seek to choose suppliers who work within an Equalities Framework. This requirement is reflected in the tender process and documentation. Where a supplier is found to have breached the E&D requirements of the Service and the Equalities Act the contract will be terminated with immediate effect.