



DERBY college

Equality & Diversity

***Good Practice Guide for
Employers and Work Placement
Providers***

HR | Learning & Development | Payroll | Equality & Diversity

DERBY COLLEGE IS COMMITTED TO:

- Promoting social interaction and inclusion, celebrating diversity and recognising commonality.
- We want the employers that we work with to have this same level of commitment.
- This guide is intended to share best practice with employers and what this means for Derby College.

We are aware that employers will have their own good practice including policies and procedures regarding equality and diversity and safeguarding and that we are happy to consider and share any best practice.

Please feel free to discuss equality and diversity matters with your regular Derby College contact or contact the Quality Improvement Manager.

INTRODUCTION

Derby College is committed to meeting the needs of all learners and opposes all kinds of discrimination be it: of; age; disability; gender reassignment; race, religion and belief, marriage/ civil partnership; pregnancy/maternity leave; sex; and sexual orientation.

At Derby College we strive to provide a supportive environment for our learners which values each person individually. The 2010 Equality Act has consolidated and extended equality legislation some of which is reflected in this guide.

If you have any concerns or should a problem arise that relates to equality and diversity this booklet will give students and employers guidance on who to contact and how.

Additional sources of information are highlighted at the back of this booklet.

RESPECT FOR EACH OTHER

Derby College has made a strategic commitment to create an environment where individuals feel valued. We are a thriving college and want to ensure that our corporate values align with our staff, students and wider communities that live and work in Derby and Derbyshire.

At Derby College we welcome a range of cultures and backgrounds with a variety of beliefs, values and abilities.

Diversity is different to equality we should value individual differences and what this brings to the College.

The College will treat all employees with respect and dignity, and seek to provide a working environment free from harassment, discrimination and victimisation. The college will not tolerate any form of discriminatory behaviour against its employees, either from other employees, students or members of the public.

WHAT IS A SUPPORTIVE ENVIRONMENT?

A supportive environment is one where you are free from harm where you feel able to work without experiencing behaviours such as the following (please note these are examples and not a definitive list):

- Verbal abuse
- Physical treats/physical contact
- Threatening gestures
- Sexual harassment
- Racism

Bullying or harassment including:

- Homophobic bullying or harassment
- Cyber bullying
- Offensive comments
- Discriminatory language, including name calling, insults and inappropriate jokes
- Non-verbal abuse including wolf-whistling, signs/gestures etc

WHO IS PROTECTED BY THE ACT?

There are nine protected characteristics (listed alphabetically). In Britain everyone is protected by the Equality Act 2010.

- Age (no change)
- Disability (new definition and changes)
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity (no change)
- Race (no change)
- Religion and belief (no change)
- Sex (no change)

WHAT BEHAVIOUR IS UNLAWFUL?

It is unlawful to discriminate, harass or victimise another person because they have/or are perceived to have any/or are associated with someone who has any of the protected characteristics listed above.

According to the European Human Rights Commission (EHRC) 2012 Discrimination =

- Direct discrimination means treating one person worse than another because of a protected characteristic. According to ACAS (2011) 'Age' is the only protected characteristic that allows employers to justify direct discrimination.
- Indirect discrimination means putting a rule/policy in place that has a worse impact on a person with a protected characteristic than a person without one
- Harassment can include unwanted conduct related to a protected characteristic which violates someone's dignity or creates a hostile environment for someone who has a protected characteristic
- Victimisation is treating a person unfavourable because they have or might be taking action under the Equality Act.

Bullying can also take place over the internet (MSN, Facebook, etc), using mobile phones and other devices - this is called Cyberbullying.

WHO HAS A RESPONSIBILITY UNDER THE ACT?

- Associations and membership bodies
- Education providers
- Employers
- Government departments
- Providers of public functions
- Service providers
- Transport providers

The EHRC role, given to them by the Government, is to protect, enforce and promote equality.

MANAGERS RESPONSIBILITIES

What can Managers do to prevent harassment or bullying taking place ensuring a supportive environment?

They can do this by:

- Ensuring that everyone is treated with respect and fairness
- Ensure that everyone feels valued
- Using their judgement to correct behaviour that could be considered offensive, and reminding employees of company policy on these matters
- Taking prompt action to stop and deal with harassment or bullying
- Management and reporting of all incidents quickly, sensitively and with confidence

MAKING OR DEALING WITH A COMPLAINT

College employees will have the opportunity for a performance management review and will have access to opportunities for training and development.

Making or dealing with a complaint. In dealing with a complaint at either the informal or formal stage it is vital that managers:

- Maintain an open mind
- Concentrate only on the relevant information
- Concentrate on establishing the facts, while checking their understanding
- Allow the individual to put their case forward

Students of the college are encouraged to initially try to resolve issues through their employer/work based providers' however the College has a confidential contact point for team members and students who may have concerns relating to equal opportunities.

This gives an additional service to learners and team members which will enable them to report concerns or observations in confidence. Nobody can afford to be complacent in this area. Closer monitoring of complaints, in particular harassment and bullying of vulnerable groups, will help to identify learners at risk who can then be targeted for support.

THE 2010 EQUALITY ACT

The key changes are

The Equality Act 2010 replaces previous anti-discrimination law, consolidating it into a single act. The Public sector equality duty came into force on 5 April 2011 replacing the previous separate equality duties for race, disability and gender.

The Public Sector Equality Duty has three main aims:-

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The purpose of the Public Duty is to ensure greater transparency on progress in equality and diversity and outcomes.

The term 'protected characteristics' refers to aspects of a person's identity that is protected from discrimination. There are nine protected characteristics that are recognised within the Equality Act 2010: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. (Please note that marriage and civil partnership is not covered under the public sector equality duty, the College will however endeavour to eliminate discrimination, harassment and victimisation because of this protected characteristic.)

The Quality Improvement Group for Equality and Diversity will be monitoring and reviewing the current systems and processes to ensure that it captures all relevant information.

THE 2010 EQUALITY ACT - EMPLOYERS' OBLIGATIONS

Employers' obligations regarding equality have not changed significantly; however some of the key changes are listed below:

SOME KEY CHANGES TO THE ACT?

Places a new extended Public Sector Equality Duty on Public bodies, with two new specific duties

- Identifies nine protected characteristics
- Changes the definitions of discrimination
- Strengthens the powers of employment tribunals
- Harmonises and extends the role of positive action which may allow employers to recruit or promote a worker with a protected characteristic in preference to another equally qualified candidate.
- Restricts the use of health and disability-related questions during recruitment and selection

FURTHER INFORMATION

There are several good sources of additional information listed below including the ACAS and Government Equalities websites.

Derby College website has a section dedicated to equality and diversity that you can refer to. To access just click on the **Equality & Diversity** heading on the left hand side of the **'About Derby College'** section accessed from the Derby College home page.

Alternatively you contact us by email: equalityndiversity@derby-college.ac.uk

- Strengthens the powers of employment tribunals
- Equal Pay allows a claim of direct pay discrimination to be made, even if no real person comparator can be found.
- Pay secrecy-there are changes regarding victimisation and the enforceability of pay secrecy clauses. These clauses are clauses that prohibit employees from discussing their pay, benefits or bonuses with their colleagues during their employment. The use of these clauses is quite limited and most contracts do not include them.
- An employer is required to take reasonably practicable steps to prevent a third party from harassing an employee. This section (s.40), which imposes liability on the employer when it knows that the employee has been harassed on at least two other occasions by a third party.

USEFUL WEBSITES AND POLICIES

Acas website

www.acas.org.uk

The Equalities and Human Rights Commission

www.equalityhumanrights.com

The Government Equalities Office

www.equalities.gov.uk

Government Services and Information

www.gov.uk