

## Policy Title Equality

Author/Responsible Manager	Director of Student Engagement, Support and Services
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Risk Assessment (please note here any identified risks of non-compliance with the policy)	Breach of equality legislation leading to grievances and/or prosecution Adverse impact on staff and learner relationships

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Equality Impact Assessment				
Characteristic	No impact	Positive impact	Negative impact	Evidence
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pregnancy/Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Religion/belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Carried out by: V Williamson				

### Actions required:

Action	Date	Reviewed by	Date

## **1. Introduction**

Kendal College is fully committed to the promotion of equality of opportunity and to upholding the rights and responsibilities of staff, learners and visitors.

The purpose of this policy is to establish clear guidance regarding equal opportunities and to meet the requirements of the Equality Act 2010. The act combines nine pieces of legislation into one single act, with three broad aims:

- To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between people who share a protected characteristic and those who do not.

The policy recognises the additional considerations of direct discrimination by association and perception, indirect discrimination, detriment arising from disability, harassment and victimisation (see definitions in appendix 2). This policy should be read in line with the College's Equality objectives and annual report.

Section 2 of the Equality Act 2010 (Specific Duties) Regulations 2011 documents that a public sector body is subject to specific duties which include the requirement to:

- Publish annually, information to demonstrate how compliance with the general duty is being achieved.
- Prepare and publish at least one Equality & Diversity objective, on a four-year cycle, that the College needs to achieve to demonstrate the aims of the general duty.

Active promotion of Fundamental British Values links clearly with this policy along with the expectation that opinions and behaviours that are contrary to these values are challenged. Developing learners' understanding of different cultures and faiths will support the College's approach to challenging discrimination.

## **2. Policy Statement**

- The College is committed to ensuring that all employees, learners and visitors are treated equally regardless of the following protected characteristics: age, gender, disability, gender reassignment, pregnancy or maternity, race (including ethnic or national origins, colour or nationality), religion or belief (or a lack of belief) as per the Equality Act (2010) definition, sexual orientation, marriage and civil partnership. The policy also applies to any sub-contracted provision run by the College and to contractors working at the College.
- In line with Chapter 15 of the Equality Act 2010, the Governing Body of the College has a specific responsibility to ensure there is no discrimination, harassment or victimisation against any person in respect of the admissions procedure, enrolment and terms of enrolment, the provision of training, access to College services, facilities and support and exclusion from a course. Consideration will also be given to the prevention of discrimination against a disabled person in respect of the award of their qualification (subsection 3).
- The policy applies equally to apprentices in the workplace. Where an employer of work-based apprentices does not have an Equality Policy of their own, they will be required to comply with the Kendal College Equality Policy in respect of learners.

- In line with the College's Bullying and Harassment policies, Kendal College will not tolerate bullying of any member of staff, learner or visitor to the premises or linked to College activities off site. Any evidence of mocking, ridiculing, shouting or making another individual feel vulnerable will be viewed as unacceptable behaviour and challenged accordingly.
- Kendal College is committed to ensuring continuous improvement in all areas of equality, diversity and disability awareness through the application of its equality objectives, with an emphasis on positive action and community cohesion.
- Equality & Diversity is a central theme within teaching, learning and assessment. This is achieved via inclusive course planning and the Teaching, Learning & Assessment observation process, with the identification and promotion of best practice. Equality objectives will be used to monitor the impact of equality within course delivery, with an emphasis on developing learners' awareness and understanding of equality and diversity.
- Fundamental British Values are included in the framework against which the College adheres to ensuring learners have respect for each other and recognises difference regardless of faith, race or culture. The term British Values refers to the values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

### **3. Procedure**

- 3.1 The College will treat all employees, learners including apprentices and those training off-site, applicants and visitors to the College with respect and dignity. This will provide a working and learning environment free from unlawful discrimination, bullying, harassment or victimisation. To this end, within the framework of the law and best practice, the College is committed to achieving and maintaining an environment which challenges discriminatory practices and promotes values and principles.
- 3.2 No employee, learner, applicant or visitor will be disadvantaged or treated less favourably because of conditions or requirements which cannot be justified. The College will take steps to make reasonable adjustments to its arrangements and premises where any current practice discriminates against individuals with a protected characteristic or opposes the respect of fundamental British values.
- 3.3 Kendal College will not tolerate unlawful discrimination and will eliminate it by:
  - Promoting its Equality Statement and objectives in learner literature, the College website and through learner induction and tutorial programmes.
  - Communicating its policy statement on equality to learners, staff, governors, partners, stakeholders, contractors and visitors to the College.
  - Through promotion and follow up, ensuring that all parties understand their rights, responsibilities and accountabilities under the policy.
  - Ensuring that no potential learner is refused a place for discriminatory reasons and that there is no indirect discrimination by discouraging people with a particular characteristic from applying.
  - Having in place clear and effective policies to enable all parties to raise issues in respect of equality e.g., complaints and grievance policies and disciplinary procedures for dealing with direct and indirect discrimination.
  - Monitoring, reviewing and reporting on the effectiveness of these procedures to the Senior Leadership and Management Teams and the Corporation.

- Regularly reviewing the policy to ensure that it does not impact adversely on any group.
- Ensuring that work based learning employers meet the expectations of the College's equality policy, in the absence of having their own.
- Closely monitoring outcomes for learners and, through establishing any causal links for different performance, seek to put in place positive interventions to ensure there is equality of opportunity for all learners.
- Ensuring that no learner with a protected characteristic is excluded from the College because of that characteristic. A reasonable adjustment will be made if the behaviour is a direct consequence of a disability. However, through effective guidance, applicants, who in the opinion of the college will face unrealistic barriers to success or participation by seeking to take a particular course, will be advised onto a more appropriate training route.

Kendal College will ensure a culture of equality and diversity by:

- Promoting and creating an awareness of responsibilities for equality and fundamental British Values with staff, governors and employers.
- Ensuring there is no evidence of discriminatory practice and use feedback to support continuous improvement through learner and staff voice.
- Working with apprentice employers to ensure equality in the workplace.
- Celebrating and communicating key cultural events and being involved in local community projects which support equality and diversity.
- Taking positive action to support under-represented groups in accessing the College's provisions.
- Ensuring the tutorial programme supports the development of the spiritual, moral, social and cultural development of learners. This includes the understanding and awareness of their responsibilities towards others and taking action when they do not treat others with respect or witness others failing to demonstrate respect.
- Taking action to ensure the College is welcoming to all, irrespective of ethnicity, race, religion or belief, sex or sexual orientation, disability, gender or age.
- Regularly analysing key data on participation, retention, achievement and progression using this data to identify and remove barriers, within the College's control, which hinder or prevent learners or staff from minority groups from achieving their full potential.
- Ensuring that all curriculum teams actively seek memorable, participative and engaging opportunities within their programmes to celebrate diversity, widen learners' cultural understanding and prepare them to be effective citizens in a multi-cultural society, in accordance with the expectations of fundamental British Values.
- Training and developing all staff to ensure that they have the skills needed to promote equality and diversity both internally and externally to college.
- Ensuring that all contractors and sub-contractors have mechanisms for promoting and managing equal opportunities within their organisations when working with the College.
- Promoting staff and learners diversity and inclusion committees.
- Carrying out an annual equality survey to identify our protected characteristics and act accordingly.

- 3.4 Kendal College will promote good relations between diverse groups of people by:
- Ensuring that all members of the College community, partners, stakeholders, contractors, apprentice employers and visitors are aware of the College's equality values, standards and actions. This will be achieved through publication of our equality objectives and policy on the College website.
  - Making use of opportunities within the learning environment to promote knowledge and understanding of diversity.

3.5 Gender Equality including Gender Reassignment

Gender equality ensures that both men and women are protected against unlawful discrimination. The legislation also refers to discrimination or harassment of a person because they are intending to undergo, are undergoing, or have undergone gender reassignment. This includes those where their gender identity is not necessarily visible to others or gender non-conforming where their gender expression is different from societal expectations related to gender.

The College is committed in its role both as an employer and as an education provider to eliminate gender inequality in its structure, employment practices and curriculum content.

The College will actively promote counter-gender stereotyping in its promotion of programme areas to non-traditional learners through imagery and taster day opportunities, and will monitor recruitment processes to ensure this principle is applied in pre-entry activities and recruitment practices.

3.6 Race Equality

For the purpose of this policy, race includes colour, nationality and ethnic or national origins.

The College is committed to promoting race equality both in its role as an employer and as an education provider and will tackle racial discrimination in its structure, employment practices and curriculum content by making the following commitments:

- Developing an ethos that respects and values all people irrespective of their colour, culture, ethnicity and race and, through taking positive action, encourage applications for both employment and learning from minority ethnic groups.
- Ensuring that there are no barriers based on colour, culture, ethnicity or race which limit or discourage access to College provision and activities and by ensuring our curriculum is inclusive with fair assessment processes.
- Ensuring that all aspects of College services, including curriculum delivery, avoid stereotyping based upon race but use positive images of race to support a greater understanding of diversity by learners.
- Monitoring of data in respect of learners from diverse ethnic groups to ensure there are no barriers to achievement and publishing that data as part of its annual equality report.

### 3.7 Disability Equality

The College is committed in its role both as an employer and as an education provider to ensure that people with a disability are not treated less favourably. As an employer and as a provider of learning, the College will work towards making premises fully accessible and provide appropriate levels of support to enable staff and learners to work to their full potential. The College recognises that failure to make reasonable adjustments will be considered to be discriminatory. The following key actions are in place in respect of disability:

- Reasonable adjustments will be put in place to remove any disadvantage to disabled learners and staff and will include timetables and assignment deadlines where possible, College facilities and services and special exam access arrangements in line with the College's additional support policy.
- All applicants for vacant posts who indicate that they have a disability and who meet the short-listing criteria, in line with the College's recruitment procedure, will normally be invited to interview.
- All candidates for interview and applicants for courses, when invited for interview, will be asked if assistance is needed and the relevant personnel will discuss practical arrangements for those with a disability to attend interview.
- Conditions that encourage disclosure of disability, related to physical, mental health and other conditions, will be created at every stage of the pre-entry phase and will continue once a learner has started their learner journey. Learners who disclose, or who are identified through advice, guidance and screening processes as having a disability, will be supported through learner support systems at the earliest opportunity. The College will ensure that information relating to a learner's individual needs are disclosed to those areas of the College where support is needed, giving due regard to data protection legislation.
- Learners will be given the right to confidentiality if they do not want information about their learning needs to be passed on, but on the understanding that it may not be possible for the College to make reasonable adjustments. Where there are issues relating to the learner's safeguarding, confidentiality may be overridden.
- The College will work closely with local authority teams, school inclusion/SEND teams and other stakeholders to agree the appropriate level of support for learners with Education & Health Care Plans, including designated high needs learners.
- Learners who disclose a disability that does not affect their learning will be risk assessed under the Student Risk Assessment Policy to ensure there are no barriers to them accessing the College and its facilities.
- Data in respect of learners with disabilities will be monitored to ensure there are no barriers to achievement and will be published as part of the College's annual equality report.
- Ensuring there is no discriminatory practice in respect of the recruitment and training of apprentices and that the workplace is able to provide the relevant support and access arrangements for apprentices who disclose a disability.

### 3.8 Age Equality

The College is committed in its role both as an employer and as an education provider to eliminating discrimination on the basis of age, whilst taking account of funding body criteria and pension regulations.

### 3.9 Religion or Belief (or lack of belief)

The College seeks to ensure that policies and practices take account of different religious traditions and practices wherever it is reasonable to do so, and to ensure no staff member or learner is discriminated against because of their religion or faith. Consideration will be given to the timing of exams and assessment dates or other events that may conflict with religious holidays. There is no specific requirement under the Equality Act to provide time and facilities for religious observance in the workplace but the College will make reasonable adjustments to meet disclosed need. In respect of dietary requirements linked to religion, the Café and Restaurant menus offer a wide range of options to meet the needs of the majority of diets and additional foods will be made available on request.

As part of the College's responsibilities under the Fundamental British Values, tutorial programmes will be developed to ensure learners acquire an appreciation of and respect for their own and other cultures including an understanding that the freedom to choose and hold other faiths and beliefs is protected in law. Under the College Dress Code, there will be instances where learners and staff are requested not to wear a hijab based on health and safety grounds.

### 3.10 Sexual Orientation

No form of discrimination or bullying will be tolerated in respect of sexual orientation and the College will ensure policies and practices in respect of learning and employment are in place that protect bisexual, gay, heterosexual and lesbian people. The College will include this characteristic in its structure, employment practices and curriculum content.

### 3.11 Pregnancy & Maternity

Staff and learners who are pregnant are protected against discrimination on the grounds of their pregnancy and maternity rights during the period of pregnancy and any statutory maternity leave to which they are entitled. During the period, pregnancy and maternity discrimination cannot be treated as sex discrimination. The College will not take into account an employee or learner's absence due to pregnancy-related illness when making a decision about employment or attendance.

### 3.12 Training and Awareness

The College is committed to providing training to all new and current staff, Governors and learners and will ensure that equality and diversity is incorporated within induction and continuing professional development plans for all staff, and fully integrated within learning opportunities for all learners.

The College's staff development plan includes annual training on aspects of equality and diversity in line with new legislative requirements or updates within teaching and learning and will apply to both staff on college contracts and those who are employed through an agency.

### 3.13 Positive Action

The College undertakes to follow positive action measures allowed by law to rectify disadvantages revealed through the monitoring process.

Positive action allows the College to:

- Undertake anticipatory adjustments for learners with disabilities, including accessibility and service provision, and for those undertaking apprenticeship programmes.
- Provide widening participation activities aimed at people from particular under-represented groups.
- Target recruitment and training at particular groups that are under-represented in a particular area of work or course.
- Ensure continuous improvement across the College and to embed awareness of the intolerance of any discriminatory practice.
- Provide mentoring for staff from equality groups currently under-represented at certain levels or certain roles.

Positive action strategies are intended to be temporary measures only. They must be kept under review and will not be used once the special needs have been met or when under representation no longer exists. The College will ensure that when using a positive action strategy it falls within the law.

### 3.14 Monitoring, Implementing and Reviewing

College policies, procedures, processes and plans will be prioritised for equality impact assessments (EIA) and will be evaluated against the needs of people with protected characteristics. Where policies are reviewed as part of their normal timetabled process, the EIA will occur at the time of review. The policy front page gives the opportunity to carry out the initial assessment. Where a more in-depth assessment is needed, the paperwork at appendix 1 should be used.

The College is committed to evaluating the effectiveness of its Equality Policy and will set key performance indicators (Equality & Diversity Impact Measures) based on baseline data for key areas. These will be monitored by the Senior Leadership Team and the Governing Body on a pre-determined basis, the latter being through the dashboard report.

At performance review meetings, data in respect of recruitment, retention and achievement will be monitored to identify gaps in provision, with further scrutiny at course level where concerns are identified. Actions will be agreed and implemented with outcomes reported at the next review. Trend data will be generated to demonstrate College progress.

### 3.15 Dealing with Complaints/Breach of the Policy

Any complaints or grievance arising from an alleged breach of the Equality Policy should be progressed through the Complaints Procedure if related to learners, stakeholders, members of the public, candidates for interview or, where it relates to an employee of the Corporation, in line with the grievance procedure as outlined in the staff handbook.



All complaints, however informal, will be recorded and monitored for their impact on equality and diversity.

3.16 Annual Equality Report

An annual report on the College's approach to equality, including progress against its published equality objectives, will be produced each academic year and approved by the Corporation. The report will then be made available via the College website each year. The Equality Objectives will be reviewed on a four-yearly basis in line with the Public Sector Duty of the Equality Act.

**4. Documentation**

Appendix 1 Types of Discrimination: Definitions

Appendix 2 Policy front page for EIA and stage 2 EIA proforma

**5. Reference to Other Policies**

- Complaints Policy
- Disciplinary Policy
- Grievance Policy
- Teaching, Learning & Assessment Policy
- Staff Code of Conduct

## **Types of Discrimination: Definitions**

### **Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

### **Associative Discrimination**

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### **Perceptive Discrimination**

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. 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.

### **Indirect Discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e., that it is “a proportionate means of achieving a legitimate aim”. A ‘legitimate aim’ might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate means being fair and reasonable, including showing that you’ve looked at “less discriminatory” alternatives to any decision you make.

### **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 that individual”.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain about behaviour that they find offensive even it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

### **Third Party Harassment**

Already applies to sex. Now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

The Equality Act makes employers potentially liable for harassment of employees by people (third parties) who are not employees such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions, and the employer is aware that it has taken place and has not taken reasonable steps to prevent it from happening again.

### **Victimisation**

Victimisation occurs when an employee 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. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

## Stage 2 Equality Impact Assessment (4 Ps - policies, procedures, plans & practice)

This form should be used to complete a more rigorous equality assessment where issues are identified in stage 1 (front sheet of policy)

<b>Policy Title:</b>	<b>Date of review:</b>
<b>Responsible Manager:</b>	<b>Existing or proposed policy?</b>
<b>Summary/aim of Policy:</b>	
<b>Who is affected by the activity and in what way?</b> Eg Students, Staff, Visitors	<b>Have you consulted with others on the development and /or review of the policy?</b> Yes [ ]    No [ ]  <b>If Yes, please state how:</b>

Use the following grid to assess the impact of the policy/procedure/plan/practice on different groups. Consider each category and mark each one, in column entitled **RISK**, **H – high concern, immediate action needed**, **M – medium concern, further action to be recommended**, **L – low concern, no action needed**

Once completed, consider the actions needed to make improvements and identify how the changes will then be monitored for impact.

1. Is there likely to be a negative impact on one or more of the groups listed?
2. Can measures be added or sections amended to promote a positive impact?

Category	Risk Level	Action Y/N	Comment/Evidence	Responsibility	Change suggested	How/where measured
Disability						
Race						
Gender						
Religion/Belief						
Sexual Orientation						
Age						
Pregnancy/maternity						

**Follow up:**

Date of amendments:

Date of next review:

**What supporting evidence was used?**

(List the evidence which was used during this assessment (including staff or learner data, surveys, consultation, review)

**Following the Equality Impact Assessment, what are the recommendations?**

**Monitoring and Review** (how will the policy be monitored for those with protected characteristics?)