

SINGLE EQUALITY SCHEME

[Approved by the Board on 15 December 2008]

SINGLE EQUALITY SCHEME

1. Introduction

The South Kent College Single Equality Scheme has been designed to meet the current law as at July 2008 but also to be capable of meeting the major change to equality law which will be published in December 2008 in the Equality Bill – which will go on to become the Equality Act 2009.

The Equality Bill will make it easier for people and businesses to know their rights and their obligations. It will be written in plain English and will replace nine major pieces of legislation and around 100 other measures, spanning forty years, from the 1970 Equal Pay Act through to the 2005 Disability Discrimination Act.

A comprehensive paper on the content of the Equality Bill has been published and a section on its details is included below. The Bill is expected to be introduced in the next Parliamentary session, which starts in December 2008. The details of the Bill contents are contained in the document 'Blueprint for a Fairer Future - The Equality Bill'.

Currently, the College has a range of policies for dealing with racism, gender and disability, human rights and racial and sexual harassment and discrimination. These are set out below. This Single Equality Scheme also includes new concepts in Equality deriving from European law such as sexual orientation, religion and age.

Staff training has taken place to ensure that all staff understand the implications of these laws and codes of practice. Further staff training will be required in 2009 when the Equality Act 2009 is passed by Parliament.

This Single Equality Scheme will need to be updated and amended then.

The College also accepts now, the three major duties: Race, Gender and Disability Equality Duties which it is required to discharge. In addition, it currently covers the following concepts:

Race Ethnicity Skin colour Nationality National origin HR Interface	Gender Gender re-assignment Transgender Equal pay	Disability Learning difficulty	Age Experience Objective justification	Sexual orientation	Religion Belief Philosophical belief Cultural belief	Human Rights Safeguarding & Child protection Family-friendly policies
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The College accepts its duty to carry out impact assessments across a range of equality concepts and requirements and is developing a comprehensive approach to impact assessments. Our aim is to achieve a practical two-stage process. The first stage will take the form of an initial assessment, checking for the likely impact in terms of age, race, disability, gender, sexual orientation and religion & belief. The second stage will be a more detailed analysis addressing the areas of concern or opportunity flagged in the first stage. The impact assessment certificate for use by key staff is contained at Appendix A.

2. Mission Statement

In April 2007, the Governing Body approved our vision statement as '**Putting Learners First.**'

The College's mission is to:

- Provide inspiring teaching and training
- Support learners to achieve
- Value and develop our staff
- Meet the needs of our diverse learning communities
- Provide a high quality learning environment
- Support and engage with our local communities
- Pro-actively work with employers
- Deliver value for money
- Ensure effective, learner focused leadership and management

3. Aim

This Single Equality Scheme aims to support all of the above aspects in one document, which will then be reviewed annually. The process of Single Equality implementation will be included in the College quality assurance internal audit process.

The key aim is to ensure that all staff, students and members of the public from all of the 'categories' in the table above (where appropriate) are supported as follows:

- WE will ensure that they are not denied opportunities for access, development and success within all reasonable circumstances.
- WE will ensure that we strive to eliminate discrimination, harassment and victimisation because they are a member of (or associate with) one or more 'groups'.
- WE will provide fair and equitable opportunities for training and promotion.
- WE will promote good relations between people from different 'racial' groups.
- WE will address the causes of any gender related pay gaps.
- WE will promote positive attitudes towards disabled people, encouraging their participation in public life and taking steps to meet disabled peoples' needs even if this requires more favourable treatment.
- WE will, in relation to age, sexual orientation and religion and belief, comply with future law. We predict that in 2009, Age and Sexual Orientation Public Duties will be imposed upon public authorities.

4. Profile

South Kent College is a large Further and Higher Education College located at three main sites: Folkestone, Ashford and Dover. It has some 16,000 students and 650 staff. It receives students from the local area and child students between 14 and 16 years old from local schools. The College strives to ensure that its student population reflects the gender and ethnic make-up of the local communities it serves.

We monitor staff and students in accordance with LSC and OFSTED requirements, namely: race, gender, disability and age.

It does not monitor on the basis of religion or sexual orientation.

We use many methods of obtaining data to ensure fairness of provision:

For students:

Applications and success and failure rates for admissions to programmes;
Retention rates;
Achievement rates;
Disciplinary action;
Complaints by learners or their sponsors;
Consultative meetings (eg course representatives, focus groups, disability forum);
Satisfaction surveys.

For staff:

Grade and category of work;
Job application rates;
Selection success rates;
Types of contract (permanent, temporary, full time, fractional);
Training and staff development application rates;
Promotion opportunities and succession planning;
Promotion application and success rates;
Disciplinary, grievance and capability proceedings;
Consultative meetings (eg Joint Consultation & Communication Committee);
Satisfaction surveys.

Detailed analyses of levels of representation and success under each of these categories will be shown in Appendix B and updated annually.

Annually, the profile of existing staff will be checked to aid statistical analysis and identify any areas of under-representation.

5. Values and Principles

5.1 Commitment Statements

We affirm that all individuals are entitled to the same equal rights and opportunities and have the same responsibilities regardless of their race, gender, disability, sexuality, religion or age.

We will seek to identify and eliminate unfair discrimination, harassment or any form of illegal treatment based on any of the above criteria.

We will respect and seek to fully utilise the diverse skills, talents and experiences of all its staff and students. To this end we will actively engage with students and staff in the development of this equality scheme. We will also engage with the public and the community organisations in partnership.

5.2 Putting the commitment into practice – Key Steps

This scheme aims to be comprehensive using the following key steps:

- The College will develop procedures and practices that encourage a diverse student population and staff group to fully participate in the life of the College. Different backgrounds and experiences will be utilised for the benefit of all.
- All policies, procedures and plans will be subject to an annual assessment of their impact (positive and negative) and where appropriate modifications will be made. The impact assessment certificate is shown at Appendix A.
- We will review procedures and working practices to tackle discrimination and harassment, recognising the fact that individuals may suffer or may have suffered from various forms of disadvantage in the past.
- We will work to continuously ensure the learning and social environment for students and staff is harmonious and safe.
- The normal procedures for the investigation and prevention of racial and sexual harassment have been amended and refined to meet the needs of all staff who complain of harassment on any of the grounds of equality and diversity covered by this scheme. This new protection will be rigorously applied.

An inclusive approach will be developed by consulting with staff, students and external stakeholders to ensure that we respond to the concerns of all the people or groups affected.

The principles of equality and diversity will be applied consistently across all aspects of learning and service delivery, working practices and the environment including admissions, student services, learning support, curriculum development, teaching, learning and marketing.

As an employer, we will ensure that the principles of equality and diversity, human rights and fairness will be applied to recruitment, redeployment, staff development and promotion, to ensure that all individuals are supported and encouraged to achieve their full potential.

The induction programme for new staff will highlight our commitment to equality and diversity along with the action to be taken to support staff and learners who face discrimination and harassment. A summary of the results of our monitoring will be included in future staff bulletins.

Staff development and training on all aspects of equality and diversity will continue to take place for all members of staff with annual refresher training thereafter.

All academic staff will be supported to achieve their continuing professional development requirements under the Institute for Learning's regulations. Staff development opportunities are also supported for non-academic staff.

6. Publicising the Single Equality Scheme and Reporting Progress

We will openly publish our Single Equality Scheme to learners, staff, public and community partners and other stakeholders.

Our commitment to equality across all strands will be highlighted in our prospectus and included in our strategic plan.

Summaries of the results of data monitoring of student participation, retention and achievement information will be presented to meetings of the Equality & Diversity Committee (termly), Senior Management Team (monthly) and Board Of Governors (termly), and also made available to the recognised trade unions (UCU and Unison).

6.1 Publication to students

All learners will receive a summary of the scheme within the Student Handbook & Diary and copies of the scheme will also be available on the College Intranet.

The induction programme for learners will promote our commitment to equality and diversity. It will explain the action they can take if they believe they have encountered discrimination and how we will support them.

Tutors will explain and reinforce this information during tutorials or work-based mentoring.

6.2 Publication to external partners, work placement providers, partners, contractors, associated employers and other stakeholders

All work placement providers, partners and franchise partners will receive a summary of their responsibilities under the policy and will be required to signify their understanding and agreement to them.

Work placement providers will be offered briefings on equality and diversity issues and how they should be promoted with their learners.

College staff will promote the recruitment of students from under represented groups to providers.

6.3 Publication to staff

All staff will have access to a full copy of this scheme via the College intranet with an introduction in a special staff bulletin.

7. Ensuring compliance and quality of provision

We will ensure that:

Governors, staff, learners, partners and all stakeholders (including work placements providers) are aware of our Single Equality Scheme and the action needed for its implementation and promotion.

Staff, learners, partners and all stakeholders value our stance on equality of opportunity and diversity and understand that action will be taken in the event of any breach of this scheme.

Governors and staff have access to comprehensive information, and progress reports which will assist them to plan, implement and monitor actions to carry out their responsibilities under the scheme.

Our publicity materials present appropriate and positive images that support these provisions, promoting diversity and challenging stereotypes.

Our annual quality cycle will include provision for reviewing tutorial materials ensuring the promotion of equality of opportunity and the celebration of diversity.

Care will be taken to ensure that disabled learners and learners from under represented groups or from groups who have traditionally experienced unlawful or unfair discrimination have access to appropriate support and facilities, eg a disability forum meets termly on each site.

Applications for employment at the College are advertised across a wide spectrum of publications suitable to each role and include a corporate statement to encourage applications from under-represented groups.

Recruitment, selection and promotion procedures are fair & equitable, being designed to enable people from under-represented and disadvantaged groups to fully participate in the process.

Staff development schemes are designed to raise awareness of equality of opportunity and diversity and effectively meet the learning needs of all staff including disadvantaged and under-represented groups.

Action is taken to ensure that individuals will be treated equally and fairly and that decisions on pay, training, career management and termination of employment are based solely on objective, job related criteria.

The Principal / Chief Executive Officer has overall responsibility for the operation of this scheme and associated policies which will be reviewed annually, particularly

when there are any future changes in legislation. A full review will take place once the Equality Bill 2009 comes into force.

Details of the proposed legislation: Equality Bill 2009

Blueprint for a Fairer Future: The Equality Bill explained

Background

Harriet Harman, Minister for Women and Equality has announced new measures which will be in the Equality Bill. These will streamline and strengthen discrimination legislation, including banning age discrimination, to make Britain a fairer place.

The Equality Bill will make it easier for people and businesses to know their rights and obligations. It will be written in plain English and will replace nine major pieces of legislation and around 100 other measures, spanning forty years, from the 1970 Equal Pay Act through to the 2005 Disability Discrimination Act¹.

Despite considerable progress, inequality and discrimination still exist:

- Women are paid on average 12.6% less per hour than men;
- disabled people are two and a half times more likely to be out of work
- ethnic minorities are a fifth less likely to find work
- two thirds of over-fifties feel that they are turned down for a job because they are too old.

If progress continued at the current rate the timetable for achieving equality would be:

Gender pay gap closes	2085
Black Asian and ethnic minority employment rate reflects population	2100
Parliament has equal numbers of men and women MPs	2080
Disabled people get the same job prospects as non-disabled people	Probably never

¹ The Bill will replace

- the Equal Pay Act 1970,
- the Sex Discrimination Act 1975,
- the Race Relations Act 1976,
- the Disability Discrimination Act 1995,
- much of the Equality Act 2006,
- the Employment Equality (Religion or Belief) Regulations 2003,
- the Employment Equality (Sexual Orientation) Regulations 2003,
- the Employment Equality (Age) Regulations 2006, and
- the Equality Act (Sexual Orientation) Regulations 2007 (all as subsequently amended), plus other ancillary pieces of legislation.

Framework for a Fairer Future - the Equality Bill: new steps to tackle inequalities

Age discrimination

- The Equality Bill will include powers to ban all unjustified discrimination against older people, such as denying them medical treatment¹. Things that help older people, such as free bus passes, will still be allowed.
- Public bodies will also have a new legal duty to eliminate age discrimination and promote equality.
- There will be a transitional period to allow organisations time to adjust. Work is already underway, and the Government will consult on provisions to bring the new law into force more quickly in sectors, which are ready to comply.

Wage transparency, public procurement and 'gagging clauses'

Inequality cannot be tackled if it is hidden. Transparency is essential to eradicate discrimination. Nearly a quarter of employers ban their staff talking about their wages, with women more likely to be in the dark about colleagues' pay than men.

- The Equality Bill will ban 'gagging clauses' so that work colleagues can compare wages and challenge employers who unlawfully pay them less.
- Public authorities will report on important inequalities like gender pay, disability employment and ethnic minority employment.
- At the moment Employment Tribunals can only make judgments work for the individual who brought the case. The Bill will allow tribunals to make recommendations which will benefit everybody in the workforce and stop similar types of discrimination happening again.
- £160 billion is spent every year by the public sector on British businesses - Government will look at how public procurement can be used to deliver transparency and change.
- The Equality and Human Rights Commission will conduct a series of inquiries in sectors where there is clear inequality, for example the gender pay gap in financial services is 41.5% compared with the national figure of 12.6%.
- Businesses will be challenged through the development of an equality "kite-mark" to report on the gender pay gap in their organisation and their employment of disabled and ethnic minority staff.
- The Government will work with the CBI and Unions to collect evidence on the effectiveness of equal pay job evaluation audits.

The Government expects business increasingly to regard reporting on their progress on equality as an important part of explaining to investors and others the prospects for the company. It will review progress on transparency and its contribution to the achievement of equality outcomes, and in light of this, consider over the next five years, using existing legislation for greater transparency in company reporting on equality.

Positive Action for women, and other under-represented groups

Employers will get the right to address under-representation, for example:

- Under-representation of ethnic minorities in the police;
- Local authorities which want to promote more women to higher positions or to recruit more black, Asian and ethnic minority candidates.

The Bill will allow employers to take under-representation into account when deciding between two equally qualified candidates, and so allow workforces to better reflect society.

The CBI, TUC and Equality and Human Rights Commission support positive action. Recognised business benefits of a diverse workforce include

- attracting new business,
- understanding customers' needs,
- filling skills gaps.

Contrary to much misreporting this will be entirely permissive, rather than compulsory, and will help organisations such as police forces which want to increase the number of ethnic minority officers to better reflect the local community.

Expanded equality duty on the public sector

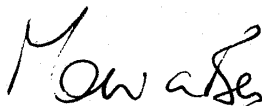
Public authorities already have a duty to consider how their spending decisions, employment practices and service delivery affect people whatever their race, disability or gender, which has created a positive culture change. The Bill will replace this with a new streamlined and strengthened equality duty which will also **include age and sexual orientation**.

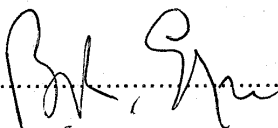
This means that public bodies will need to consider how services affect a wide range of different people. For example a library may provide IT training specifically for older people, or a police authority may provide an emergency mobile phone text service for deaf people.

Multiple Discrimination

In addition to the Equality Bill and its linked package of measures, the Government will do further work on whether the law can be toughened to give redress to people who suffer discrimination on combined multiple grounds, for example by a black woman, or an older man. It is also considering whether there is a case for representative actions, which would allow bodies such as trade unions or the Equality and Human Rights Commission to take one claim to court on behalf of a number of individuals.

Following consultation with all major stakeholders and the Improvement Advisory Service, the Single Equality Scheme, associated policies and action plan were approved by the Board of Governors on 15 December 2008.

Signed..........(Principal)

Signed..........(Chairman)

There follows now specific details of individual policies, data and other key information.

RACE EQUALITY POLICY

1. Our Commitment

South Kent College celebrates and values the diversity brought by engaging staff from a variety of racial, ethnic and cultural backgrounds. We recognise the benefit that it brings in allowing us to meet the needs of our diverse student population within a multi-cultural society. The College will treat all employees and students with respect and dignity, and seek to provide a positive working and learning environment free from racial discrimination, harassment or victimisation. The College accepts that there are no 'races' other than the human race. The terminology used in this policy 'race' and 'racial group' reflects the law but refers to ethnicity, nationality, national origin, skin colour, or 'perceived race' in cases of discrimination.

The College will seek not only to eliminate discrimination, but also to meet the requirements of the Equality Act 2006 by creating a working and learning environment based on positive relations between different racial groups. To this end, the College undertakes to provide training and support for staff, to consult with relevant staff about their experience of the working environment, and to provide diverse images in any material which it produces for students and staff. Our aim is to create a positive inclusive ethos where issues of racism, stereotyping and discrimination can be discussed openly, with a shared commitment to challenging and preventing racism and discrimination, respecting diversity and difference, and encouraging good relations between different racial groups.

The College will work towards the elimination of any racism and will seek to ensure that individuals and communities have equal access to our learning programmes and facilities.

2. Our Statutory Duties

The College is legally bound by the following:

- The Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)
- The Statutory Code of Practice on the Duty to Promote Race Equality (31 May 2002)
- The Race Relations Amendment Act (Amendment) Regulations 2003 for employment and vocational learning.
- European Community Race Directive 2000/43/EC
- The Statutory Code of Practice on Racial Equality in Employment (April 2006)
- The Racial and Religious Hatred Act 2006
- Equality Act 2006

- and furthermore to consider any issues which affect a racial group because of that group's religion under the Employment Equality (Religion or belief) Regulations 2003.

The College has a general duty to have due regard to the need to:

- Eliminate any unlawful race discrimination
- Promote equality of opportunity
- Promote good relations between people from different racial groups.

It also has specific duties to:

- Prepare and maintain a written race equality policy which meets the law and relevant codes of practice.
- Assess the impact of its policies on students and staff from different racial groups.
- Monitor the admission and progress of students and the recruitment and career progress of staff by racial groups.
- Set out the College's arrangements for publishing the results for assessments and monitoring.
- Where reasonably practicable publish annually the results of assessments and monitoring.
- Be aware of the link between harassment and discrimination and in so doing provide conciliation.
- Be aware of the link between race and religion.
- Be aware of the wording of the Equality Act 2006 with regard to individuals and groups, namely:

"In accordance with the Equality Act 2006, the College encourages and supports the development of a society in which:

- people's ability to achieve their potential is not limited by prejudice or discrimination;
- there is respect for and protection of each individual's human rights;
- there is respect for the dignity and worth of each individual;
- each individual has an equal opportunity to participate in society, and
- there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights."

3. Meeting Our Duties – Our Commitment

Our aim is to eliminate any unlawful racial discrimination, and to promote equal opportunities and good race relations in at least these areas relevant to race equality:

- admission and access;
- student achievement and assessment;
- guidance and support for students;
- teaching and learning;

- the curriculum;
- staff recruitment, their professional development, and support for them;
- partnerships and community links;
- procurement and outsourcing; and
- quality assurance.

4. Leadership and management – Commitments

We are committed to:

- actively tackling any racial discrimination, and promoting equal opportunities and good race relations;
- encouraging, supporting, and helping all students and staff to reach their potential;
- working with other institutions, local communities, and others to tackle racial discrimination and to encourage and promote good practice in achieving race equality; and
- making sure that the race equality policy and its procedures are followed.
- monitoring and quality assuring the processes to ensure the policy has impact

5. Responsibilities

5.1 The Governing Body

The governors are responsible for:

- making sure the institution complies with the Act and meets all its duties, including the general duty and the specific duties; and
- making sure the race equality policy and its procedures are followed.

5.2 The Principal

The Principal is responsible for:

- giving a consistent and high-profile lead on race equality issues;
- promoting the race equality policy inside and outside the institution; and
- making sure the race equality policy and its procedures are followed.

5.3 Managers, including Heads of Departments

Managers and Directors are responsible for:

- putting the policy and its strategies and procedures into practice;
- making sure that all staff know their responsibilities, and receive support and training in carrying these out;
- following the relevant procedures and taking action against staff or students who may be discriminating unlawfully for reasons of perceived race, skin colour, nationality, or ethnic or national origins; and

- giving certain members of staff responsibility for dealing with any racist incidents.

5.4 Staff with specific responsibilities

The Principal has apportioned responsibility to the Director of Human Resources and the Director of Student Services to:

- co-ordinate work on race equality;
- make sure that each department appoints a member of staff to be responsible for coordinating and mainstreaming their race equality work.

5.5 All staff

All staff are responsible for:

- dealing with racist incidents, and being able to recognise and tackle racial bias and stereotyping;
- promoting equal opportunities and good race relations, and avoiding unlawfully discriminating against anyone for reasons of race, colour, nationality, or ethnic or national origins; and
- keeping up to date with the law on discrimination, and taking up training and learning opportunities.

5.6 Contractors and service providers

All contractors and providers of services are responsible for following the Race Equality Policy and any race equality conditions in contracts or agreements.

6. Monitoring Our Progress

We will seek to ensure that:

- Governors, staff and students are aware of our Race Equality Policy and the action needed for its implementation;
- Staff and students are aware of the value placed upon equal opportunity and that action will be taken in the event of any breach of the Policy;
- Governors and staff have access to comprehensive information, which assists them to plan, implement and monitor actions to carry out their responsibilities under the Policy.

We will also ensure the College's publicity materials present appropriate and positive messages about minority racial groups.

To inform the setting of targets and the measurement of our progress in achieving them, we will collect and analyse the following information by racial group origin:

For students:

- Racial group profiles

- Applications, success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Disciplinary action
- Complaints
- Student surveys

For Employees:

- Racial group profiles of employees by salary scales and type of work
- Job application rates
- Selection success rates
- Type of contract (permanent, temporary)
- Training and Staff development
- Promotion application and success rates
- Disciplinary/capability proceedings
- Grievances

7. Key Information on Positive Action

In specific circumstances, the Act allows positive action as a way of overcoming racial inequality. Where appropriate, we may:

- Provide facilities or services (in training, education or welfare) to meet the special needs of people from particular racial groups
- Target training opportunities at particular racial groups that are under-represented in a particular area of work
- Encourage applications from racial groups that are under-represented in particular areas.

If monitoring reveals that specific racial minority groups are disadvantaged, the College will consider setting targets related to those specific groups in order to reduce that disadvantage and where implemented they will be published annually in the College's action plan.

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

Please see further details below on positive action legal permission.

8. Division of Responsibilities

Governors are responsible for ensuring that:

- The membership of the governing body reflects the diversity of the communities served by the College;
- The College's strategic plan includes a commitment to race equality;
- Equalities training features as part of the College's strategic plan;

- They are aware of the governing body's statutory responsibilities in relation to race legislation as an employer and service provider;
- They receive and respond to the racial group monitoring information on students and staff.

Managers are responsible for ensuring that:

- A positive, inclusive ethos that challenges racist or inappropriate behaviour is created;
- They are aware of the College's statutory duties in relation to race legislation;
- All aspects of College policy and activity are sensitive to racial issues;
- Racial group monitoring information is collected and analysed;
- Targets are set for the recruitment, retention and achievement of students based upon the analysis of the racial group monitoring information;
- Teaching observation reports include criteria on racial issues where appropriate;
- Internal verification procedures include scrutiny of racial groups;
- Curriculum areas are required to assess performance in relation to racial issues and take action as appropriate;
- The procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities;
- Targets are set on the recruitment and promotion of staff based upon the analysis of racial group monitoring information;
- The College's publicity materials present appropriate and positive messages about minority racial groups;
- Student induction and tutorial programmes reflect the College's commitment to promote equality of opportunity;
- Appropriate training and development is provided to support the appreciation and understanding of diversity.

All staff are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to race legislation;
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of cultural diversity;
- Racism is challenged, whether witting or unwitting, whenever it occurs.

9. Publicising Our Policy and Progress

- Our commitment to racial equality will be highlighted in our prospectus and strategic plan;
- A summary of the results of our monitoring information will be reported to the Senior Management Team via team meetings, and the governing body via the Human Resources Committee and Curriculum & Quality Enhancement Committee;
- All students will receive a summary of this policy. Copies of the policy will be available on the staff and student intranet;
- The induction programme for staff and students will highlight the College's commitment to racial equality, the action to be taken by those who suffer

discrimination and the action to be taken against such perpetrators of discrimination;

- Tutors will reinforce this information during tutorials;
- This Policy will be made available to all staff via the staff intranet;
- A summary of the results of our monitoring information will be included in the College's communication forum. Any published information will have due regard for individual confidentiality.

10. Complaints

The College will seek to provide a supportive environment for those who make claims of discrimination or harassment. Acts of racial discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence. Staff who feel they are being discriminated against on racial grounds by other members of staff should raise the matter under the College's Harassment Procedure (see below)

If, in the course of their work, College staff suffer racial discrimination from members of the public, the College will take appropriate action and provide appropriate support. Any racist behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

11. Review and Consultation

This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice. As part of the review we will seek and take into account the views of staff and students.

12. Implementation

The College, working in partnership with the recognised trade unions and employee representatives, will seek to ensure that all staffing policies and procedures (e.g. Recruitment and Selection Procedure) are non-discriminatory, and that monitoring and positive action processes are regularly reviewed and monitored.

Annex to Race Equality Policy

Within the Race Equality Policy are many responsibilities to which the College is committed. These responsibilities need to become enshrined within the roles of all College managers to ensure race equality is embedded within the culture of the College, and to ensure that our commitments are fulfilled. As such, the following key staff have been assigned to the responsibilities:

Identified Management Responsibility	Key Staff
1. A positive, inclusive ethos that challenges racist or inappropriate behaviour is created	All
2. Managers are aware of the College's statutory duties in relation to race legislation	All managers
3. All aspects of College policy and activity are sensitive to racial issues	Principal
4. Racial group monitoring information is collected and analysed	E&D Cttee & HR
5. Targets are set for the recruitment, retention and achievement of students based upon the analysis of the racial group monitoring information	EDIMs
6. Teaching observation reports include criteria on racial issues where appropriate	Observers
7. Internal verification procedures include scrutiny of racial groups	IVs
8. Curriculum areas are required to assess performance in relation to racial issues and take action as appropriate	Learning Managers
9. The procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities	HR
10. Targets are set on the recruitment and promotion of staff based upon the analysis of racial group monitoring information	HR
11. The College's publicity materials present appropriate and positive messages about minority racial groups	Marketing
12. Student induction and tutorial programmes reflect the College's commitment to promote equality of opportunity	Director of Student Services
13. Appropriate training and development is provided to support the appreciation and understanding of diversity	HR
14. Our commitment to racial equality will be highlighted in our prospectus and strategic plan	Marketing & Principal
15. A summary of the results of our monitoring information will be reported to the Senior Management Team via team meetings, and the Governing body via the Principal's Report.	Principal
16. All students will receive a summary of this policy. Copies of the policy will be available on the staff and student intranet	Director of Student Services
17. The induction programme for staff and students will highlight the College's commitment to racial equality, the action to be taken by those who suffer discrimination and the action to be taken against such perpetrators of discrimination	Director of Student Services
18. Tutors will reinforce this information during tutorials	Lead tutor

Positive action [Sections 35, 37 and 38 of the RRA]

The term 'positive action' refers to measures that may lawfully be taken to meet special needs or to train or encourage people from a racial group that is under-represented in particular work, or among the post-holders of membership organisations (see also paras 3.43 – 3.46) of the Act.

Section 35

This section of the Race Relations Act 1976 (RRA) makes it lawful to provide people from a particular racial group with access to facilities or services, in order to meet any special needs they might have in respect of education, training or welfare, or to any ancillary benefits. Schemes with an industrial language training component, language courses and access courses designed to meet special needs have all been developed under this section.

Section 37

Section 37 allows training or encouragement to be provided for a particular racial group that is under-represented in particular work – that is, in one of the following situations.

1. ***Where there is national under-representation*** – that is, where, during the previous 12 months, no one from a particular racial group has done the work in question in Great Britain, or where the proportion of people from that group doing that work was small compared to its proportion of the population of Great Britain. In this case, training or encouragement can be provided exclusively for the racial group (or groups) in question.
2. ***Where there is local under-representation*** – that is, during the previous 12 months, no one from a particular racial group has done the work in question in that area, or where the proportion of people from that group doing that work was small compared to its proportion of the population of that area. In this case, training or encouragement cannot be provided exclusively for the racial group in question but:
 - posts or places on training courses may be reserved for that group; or
 - as long as an opportunity is made available and known to all, applications may be encouraged from the under-represented group.

Section 38

Section 38 allows training or encouragement to be provided for a particular racial group that is under-represented in a particular type of work in a workplace, or among the post-holders of a membership organisation – that is, in one of the following situations:

1. ***Workplace*** – where, during the previous 12 months, no one from a particular racial group was doing a particular type of work in a workplace, or where the proportion of employees from that racial group doing that work there was small, compared to its proportion in the workforce or in the population of the area from which the employer recruits for that type of work. In this case, employers may:

- provide training exclusively for employees (but not non-employees) from that racial group; or
- encourage people from that group alone (whether or not they are employees), to take advantage of opportunities for doing that work there.

2. **Membership organisation** – where, during the previous 12 months, no one from a particular racial group has held a post in that organisation, or where the proportion of people from that racial group holding such a post was small, compared to the proportion of people from that racial group. In this case, the organisation may:

- provide training for people from that racial group that will help equip them to hold such a post; or
- encourage people from that racial group alone to take advantage of opportunities to hold such a post.

Encouragement means making it easier for people from a racial group underrepresented in particular work to take advantage of job opportunities. It can take the form of explicit encouragement to apply; for example, in advertisements for jobs, mentoring opportunities, shadowing schemes, open days, and career fairs; and in information about careers and vacancies provided to schools in areas with large ethnic minority populations.

The RRA also allows employers, trade unions, employers' associations and trade or professional organisations (but not other organisations) to provide training or encouragement *exclusively* for employees or members from a particular racial group (or groups), to equip them to do particular work or hold particular posts.

GENDER EQUALITY POLICY

This is the Interim College Policy for Gender Equality – it will be replaced by the final policy at the end of the College-wide consultation period during 2008.

1. Aim

The College is committed to a policy of Gender Equality. The aim of the Policy is to ensure that men, women, transgender and transsexual persons receive fair and equal treatment. The College aims to provide a service that, in its teaching, employment, administration and support actively strives to:

- Eliminate unlawful gender discrimination.
- Promote equality of opportunity between men, women, transgender and transsexual persons.
- Ensure that all employment and support requirements connected with pregnancy, care for children and family life are given the closest scrutiny to ensure fairness for all.

2. Policy Actions

The College intends to:

- Update the Recruitment and Selection Policy and procedures to reflect good practice and legal requirements by ensuring that systems are in place to attract a diverse pool of candidates.
- Collect detailed gender monitoring data and display the statistics on the College website.
- Set up a staff training and awareness programme for the gender equality duty.
- Consult with those who are expecting or have children or family responsibilities to ensure that college policies and procedures are fair to them and colleagues who do not share their responsibilities.
- Ensure that the pay system of the College is fair to all.
- Ensure that managers have access to their departmental gender monitoring data and understand how to monitor their departmental statistics and relay concerns to the HR department.
- Assess the impact of current recruitment and progression practices of gender equality.
- Assess if there is a correlation between staff leaving patterns and gender.
- Assess for the presence of gender-related issues in the staff professional development scheme.
- Assess the gender frequency of cases of disciplinary, grievance and capability proceedings.

- Ensure identification of the number and type of harassment and discrimination cases in relation to gender and take action to ensure fairness to all.
- Brief all staff on the newly-amended Sex Discrimination Act 1975.
- Train managers to deal effectively with complaints about gender discrimination.
- Ensure that support and development of staff skills is available to all staff regardless of gender.
- Discuss flexible working practices with Directors to see if any students or staff are unnecessarily disadvantaged.
- Give briefings to staff interview panel members on gender awareness.
- Work to raise standards of literacy and numeracy to help all staff develop the skills which will enable them to improve progression.
- Ensure there is no unnecessary gender bias in learning support services, including language support, literacy, numeracy and dyslexia for all at the College who have a need.
- Aim to continuously improve the satisfaction rate of all students regardless of gender regarding their experience of the College.
- Ensure the provision of a safe, positive, social and learning environment for all at the College.
- Ensure that staff perceptions of the administration of disciplinary procedures are fair to all.
- Continuously improve retention and achievement rates relating the data to gender – and compare the data with college, local and national averages.
- Set up a working party to assess equality performance in the light of this and future policies on gender equality.
- Give a full briefing to the Board of Governors on how the College is discharging its duties under the Sex Discrimination Act 1975 and recent amendments.
- Explain to students, employers, the LSC and other stakeholders how the College is discharging its duties under the Sex Discrimination Act 1975 and recent amendments.
- Ensure that all partner organisation and employees who support our work-based training programmes have equality policies which match the intentions of this Policy.
- Ensure that this and future policies reflect good practice, are regularly reviewed and updated to ensure continuous improvement and promote gender and sexuality equality.

DISABILITY EQUALITY POLICY

This Policy is applicable to staff and students and to others working with the College.

The Policy is supplemented by detailed procedures available on notice boards and the staff intranet.

1. Aims

- To actively promote inclusion of and equality of opportunity for disabled people
- To ensure we are proactive in eliminating any unlawful disability discrimination or disability related harassment
- To promote positive attitudes towards people with disabilities
- To encourage disabled people to participate in public life both within and external to the College
- To take account of people's disabilities to ensure full inclusion into all parts of college life within the limits of reasonableness, health & safety and academic excellence.

2. Strategic objectives of the Policy

All staff and students are to be given the opportunity to disclose their disability at the point of recruitment or enrolment and subsequently encouraged to reveal disabilities if they chose not to do so initially.

All staff involved in the recruitment and support of learners will be specially trained to understand the many changes in Disability Law which apply to admission (including objective comparators and academic excellence), health & safety, intimate care, necessary restraint and the administration of medicines.

We will ensure that internal practice for data collection is comprehensive and rigorous and that the data is used in a way which ensures that there is equality for staff and students. We will proactively work on concerns that are made evident as a result of information gathered.

We will require staff who have remit for many of the diverse activities within our College to ensure inclusion and equality, through strategic and operational collaboration.

We will create a college culture where harassment and discrimination is unacceptable and ensure that staff and students are aware of the roles they play in creating this ethos.

3. Current provision

We are striving to provide an inclusive, supportive environment for students and staff with a range of disabilities and learning difficulties. To this end we will:

- continue to provide specialist courses and support for young people including school leavers, adults with severe or moderate learning difficulties and be able to offer support to students on mainstream courses who have support needs;
- continue with our forum / action group to act as a catalyst for change, discussion and development. We encourage staff and students with disabilities within this group and as part of the decision-making process;
- enhance our methods of collecting data, and develop strategies to use this collected data to make positive change;
- re-examine buildings, facilities and equipment levels to ensure we discharge our duties under the Disability Discrimination Acts 1995 and 2005 and the Post 16 Education Code of Practice, Disability Equality Code of Practice and Code for Practice for Trade and Qualification;
- enhance staff awareness and understanding of their responsibilities with regard to meeting the needs of students with disabilities.

4. Disability equality scheme

This Policy, its associated Disability Statement and linked procedures to both documents are available in a range of accessible formats.

PREVENTION OF BULLYING AND HARASSMENT POLICY

1. Policy Statement

Staff will ensure that all learners understand this policy by explaining it to each individual learner in a way that is person-centred and appropriate to any learning disability they may have.

Staff are expected to ensure that the personal dignity of all the staff, learners, visitors and contractors is upheld by the prevention of any incidents of harassment, bullying or inappropriate behaviour.

Conciliation, guidance, mentoring, independent advocacy and discipline and grievance procedures should be used in the most appropriate way to match the level of concern about any incident.

2. What is harassment?

2.1 Harassment is defined as unwanted conduct, which is offensive to the recipient. It includes behaviour, which is unsolicited, personally offensive, and fails to respect the dignity and rights of others. In many cases, the person carrying out the harassment fails to recognise the impact that such behaviour may have.

2.2 It is the deed itself and its impact on the recipient – not the intention of the perpetrator – which constitutes harassment or unwanted conduct which is offensive to the recipient. Harassment may take many forms and occurs in a variety of ways; it can be directed at an individual or a group, and it often involves discrimination.

2.3 Harassment may be:

- Physical: involving direct contact, assault or gestures; intimidation; or aggressive behaviour;
- Verbal: including unwelcome and thoughtless remarks, suggestions and propositions; malicious gossip; or jokes and banter involving sexual, racial, religious and other discriminatory forms of innuendo;
- Non-verbal: including offensive writing, literature or pictures, graffiti and computer imagery; or deliberate exclusion from social activities.

2.4 Harassment may relate to a victim's:

- Race, ethnic origin, nationality, skin colour, gender or sexual orientation. It may also be aimed at a person undergoing gender reassignment, or being pregnant
- Religion, belief, philosophical or political convictions including trade union activities
- Age, Disability, sensory impairments or learning difficulties
- Family or social background *(The list is not exhaustive.)*

2.5 Sexual harassment is now specially defined in law. It is:

- Comments about the way you look which you find demeaning;
 - Indecent remarks;
 - Questions about your sex life;
 - Sexual demands by a member of your own or the opposite sex;
 - Any conduct of a sexual nature which creates an intimidating, hostile or humiliating working environment for you; this includes displays of pornography and Internet downloading of offensive material at work or vocational training.
- 2.6 Social and cultural differences in behaviour have to be taken into account and these are to be respected. We expect staff and learners to conduct themselves at all times in ways which are acceptable to others. They should proactively think about ways to resolve potential conflicts.
- 2.7 The dignity of an individual is especially important. An insult to dignity at work or in vocational learning could constitute a legal offence of harassment amounting to discrimination if it involved an insult to a person's religion or belief, including philosophical belief, race or ethnic or national origin, sexual orientation, disability or learning difficulty because it involved:
- Any unwanted conduct
 - Making an intimidating or hostile atmosphere
 - Actions which degrade or humiliate
 - Causing an offensive environment.

3. Our Commitment

- 3.1 We are committed to maintaining a working environment free from harassment, bullying, intimidation and offensive behaviour in any form, verbal or non-verbal. All staff are expected to carry out their duties effectively, confidently and competently; and they and their learners have the right to work without fear of harassment or bullying and without loss of dignity.
- 3.2 If a complaint is made to management about harassment or bullying, it will be investigated promptly and appropriate action taken. Our disciplinary procedure will be used, where necessary, if the complaint is upheld.
- 3.3 A written record of the complaint must be made in the complaints book and this document should be protected under our confidentiality procedures.
- 3.4 We will not require anyone who is complaining about sexual harassment to use the standard grievance procedure. A separate and confidential procedure exists to take privacy into account in such cases.
- 3.5 Some types of harassment are unlawful cases of discrimination. Harassment, including bullying, is unacceptable to us whether or not it is categorised as unlawful.

4. What is bullying?

- 4.1 Bullying is defined as offensive, humiliating, undermining or intimidating behaviour towards an individual or groups of staff, usually amounting to an abuse of power – but which is not defined as a type of discrimination under a range of equality laws.
- 4.2 Like harassment, it is the impact of the behaviour on the recipient which constitutes bullying – not its intention.
- 4.3 Bullying may take many forms, including:
- Persistent criticism
 - Setting objectives with impossible deadlines or unachievable tasks
 - Ignoring or ostracising an individual
 - Removing areas of responsibility and substituting menial or trivial tasks
 - Constantly undervaluing effort
 - Spreading malicious rumours
 - Taking credit for other people's work or ideas
 - Overbearing or threatening behaviour which intimates future violence
 - Actual violence, pushing, using the body to prevent a person's movement or progress.
- The list is not exhaustive.

5. Management responsibility

- 5.1 Management will seek to eliminate harassment and bullying in the workplace. Managers will be alert to all forms of harassment and bullying in their areas of responsibility and, after careful consideration, take action immediately – whether or not the matter has been brought formally to their attention.
- 5.2 If a complaint about harassment or bullying is brought to the attention of a manager, he or she will:
- Ensure that appropriate procedures are followed, including informing (staff name)
 - Secure support for individuals who complain about harassment or Bullying before, while and after the complaint is investigated
 - Treat the matter in a sensitive and confidential manner; and
 - Keep full notes of incidents, information received and action taken.
- 5.3 Staff who fail to carry out their responsibilities under this policy may be regarded as colluding with the person accused by the complainant, and appropriate action will be taken.

6. Our procedures

- 6.1 These procedures for dealing with complaints about harassment and bullying seek to ensure minimal stress for the complainant, the timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

- 6.2 When a complaint about harassment or bullying is made, the complainant may follow an informal or formal route. The option of using either route remains open at any stage of the procedure.
- 6.3 Since perceptions about harassment and bullying may vary between individuals, it should in the first instance be made clear to the alleged perpetrator that the behaviour is unwelcome and should stop. If this is difficult or embarrassing for the complainant, the initial approach could (with the consent of the complainant) be made by another member of staff or a trade union representative.

7. The informal route

- 7.1 The purpose of the informal; route for considering allegations of harassment or bullying is to:
- Enable the complainant to raise the matter so that it will receive attention in an understanding manner; and
 - Decide, in consultation with the complainant, on a course of action which will resolve the problem at its source.
- 7.2 It is important that problems about harassment or bullying are raised and not allowed to continue unchallenged. Members of staff or learners who suffer these problems are advised to:
- a. Tell the harasser or bully, either orally or in writing, that the unwanted behaviour must stop;
 - b. Confide in a friend, if it would help;
 - c. If it is difficult to confront the harasser or bully, contact another member of staff who could help. Concerns may be raised informally and in confidence with a counsellor, a trade union representative or (staff name);
 - d. Talk to their line manager or another member of College management or tutor for learners, about any informal or formal action which could be take;
 - e. Whatever the circumstances, keep a detailed record of any incidents immediately after the event, including:
 - The date, time and place
 - The name of the person responsible for the harassment or bullying
 - What actually happened
 - The name(s) of any witnesses
 - The action taken by the person harassed or bullied
 - Whether or when reported to management and to whom.

8. The formal route

- 8.1 The purpose of the formal route for considering complaints and allegations of harassment or bullying is to:
- Secure an investigation by management into the complaint or allegation
 - Ensure that appropriate action is taken both to stop the unwanted behaviour and against the offender if the complaint is upheld.
 -

- 8.2 Whatever the circumstances, the complainant should keep a detailed record of any incidents as outlined in paragraph 2(e) above.
- 8.3 A member of staff or learner who suffers harassment or bullying should raise the matter formally with an appropriate manager if he or she chooses to take the formal route or if the informal route has been followed and found to be ineffective.
- 8.4 The matter should be raised in writing specifying whether it is a complaint or a formal grievance. If it is the latter, the grievance procedure will be followed.
- 8.5 Complaints and grievances will be investigated promptly and discreetly. Both parties have the right to be accompanied by a colleague or a trade union representative during the investigation and at any hearing. If the complaint is upheld, it will be made clear to the offender that the behaviour which gave rise to the complaint is unacceptable and must cease forthwith.
- 8.6 If the matter is not resolved through the consideration of the complaint or the grievance procedure, it will be referred to the Principal who will decide whether the disciplinary procedure should be used.
- 8.7 Whatever the outcome of the matter, the appropriate managers will seek to ensure that the complainant is not subject to any detrimental treatment as a consequence of making the complaint. If the complaint is not upheld, the appropriate managers will seek to ensure that the defendant is not subject to any detrimental treatment as a consequence of the complaint.
- 8.8 If the complaint is found to be malicious, the Principal will decide whether the complainant should be the subject of a disciplinary investigation.

9. Appeals

If either party can show that the matter has not been considered in accordance with the procedure in this policy, an appeal may be made under the grievance procedure.

10. Review

The effectiveness of this policy will be reviewed periodically.

11. Policy Improvement

Members of staff and learners are encouraged to put forward suggestions for improvement to this policy. The policy sponsor is Monica Box, Principal, South Kent College.

HUMAN RIGHTS POLICY

The College accepts that its staff, students and partners have 16 basic human rights under the law:

The Right to Life

The Right to freedom from torture and inhuman or degrading treatment or punishment

The Right to freedom from slavery or compulsory labour

The Right to liberty and security

The Right to a fair trial

The Right not to be punished without law

The Right to have one's family life and private life respected

The Right to freedom of thought, conscience and religion

The Right to freedom of expression

The Right of assembly and association

The Right to education

The Right not to be subjected to the death penalty

The Right not to be discriminated against

The Right to marry

The Right to protection of property

The Right to free elections

United Nations Convention for the Rights of the Child

The College acknowledges that the United Kingdom is a signatory to this Convention which aims to protect children and, for example, give them independent rights to speak their own first language, to choose their own form of worship or refuse religion and to be free from unreasonable constraints.

The College also promotes the UK Government's Every Child Matters policy and all Safeguarding Child Protection legislation. The College has a Child Protection Officer who is also responsible for the protection of vulnerable adults up to and including

students to the age of 25. However, the College accepts such responsibility for all vulnerable adult learners.

The following hyperlinks will be added to give access to the following documents:

- **How the College Handles cases of Discrimination and Harassment**
- **Marketing and Publicity strategy**
- **Admissions strategy and procedures**
- **Student Counselling and Support procedures**
- **Student Induction**
- **Monitoring Student progress and welfare**
- **Staff Recruitment & Selection procedures**
- **Staff development & CPD policies**
- **Data Protection Policy**
- **Monitoring of staff records**

APPENDIX A
EQUALITY & DIVERSITY IMPACT ASSESSMENT CERTIFICATE

Please send this certificate attached to the policy document to the Director of Human Resources

Name of person carrying out review: _____

Signature: _____

Directorate: _____

Date of Review: _____

Title(s) of policy, procedure or other document(s) reviewed:

I certify that I have carried out an **INITIAL REVIEW** of the above policy, procedure or document and determined that it needs a **FULL IMPACT ASSESSMENT**.

At initial review, the policy, procedure or document was judged to be (please tick):

- RED** - High Impact - wording has dramatic effect on individuals or groups due to changes in service levels, proposed closures, reductions, or reconfigurations
- AMBER** – Medium Impact – existing or new policies with wording affecting provision of services or rules for many people
- GREEN** – Low impact – affects only a few people

I have considered the following factors during my review to ensure that the revised or improved policy complies with the Race, Gender and Disability equality duties and also the following legal and social requirements:

Race	Gender	Disability	Age	Sexual orientation	Religion Belief	Human Rights
Ethnicity Skin colour Nationality National origin HR Interface	Gender reassignment Transgender Equal pay	Learning difficulty	Experience Objective justification		Philosophical belief Cultural belief	Safeguarding & Child protection Family-friendly policies

I now propose the following amendments (attached) to ensure that the policy or procedure is fair to all within the law and the limits of reasonableness. The Policy protects individuals and groups whilst ensuring that the College, its directorates and supporting mechanisms can still function successfully.