



Equality, Diversity and Inclusion Policy

Author: J Stalker, Head of Service
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History of Changes

Version	Description of Change	Authorised by	Date
1.1	Equality Policy required to set out the College's arrangements to meet the needs of the Equalities Act and associated legislation.	J Stalker	17 October 2018

1 Introduction

West Lothian College is committed to establishing and maintaining a culture of equal rights and equality of opportunity. We are committed to ensuring that all staff, students and users of the College are treated equally, and with respect, regardless of colour, race, nationality, ethnic or national origins, religion or belief, disability, gender and gender reassignment, age and sexual orientation, pregnancy and maternity, marriage or civil partnership.

We value diversity and aim to advance equality of opportunity, foster good relations and eliminate discrimination, victimisation and harassment of any form, including gender based violence, in all our activities. Additionally the College is committed to mainstreaming all equality activities to ensure equalities are embedded in our day to day work.

The College has established four equalities objectives which are reported on through the College Equalities Mainstreaming Report and Equalities Action Plan:

Outcome 1	West Lothian College is fair and respectful to its staff and reflects and values cultural diversity.
Outcome 2	The West Lothian College learning and support experience is fair and equitable for all students and reflects cultural diversity.
Outcome 3	At West Lothian College the environment, estates and resources are designed to remove barriers to people using the College, provide equality of opportunity and reflect cultural diversity.
Outcome 4	West Lothian College will pursue a gender balance for staff and students through relevant strategies, policies, procedures and working practices

We oppose all unlawful or unfair forms of discrimination, harassment and victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or background, for example being care experienced or having care responsibilities, living in an area identified as an area of multiple deprivations, having criminal convictions, trade union membership or any other unjustifiable grounds.

2 Scope of the Policy

The Policy covers all people involved with West Lothian College, including:

- Students
- Lecturers and Support Staff
- College Managers
- Members of the Board of Governors
- Employers
- External Partners

- Visitors to the College

The College promotes a culture of equal rights and equal opportunities for all. We acknowledge that people often have different starting points and may face disadvantages and barriers. We will work to ensure that everyone has a fair chance to achieve their agreed goals and we may take positive action to help them achieve those goals.

We are particularly concerned with ensuring that those groups within society who are more likely to experience discrimination and are protected by the Equality Act 2010 do not experience unfair discrimination, harassment or victimisation while working at, studying with or visiting West Lothian College. The Act describes these as Protected Characteristics of which there are nine for employment and eight for the provision of services. These are listed in the table below.

Table 1: Protected Characteristics

Employment	Provision of Services
Disability	Disability
Sex (gender)	Sex (gender)
Gender reassignment	Gender reassignment
Marriage or civil partnership	Pregnancy and maternity
Pregnancy and maternity	Race
Race	Religion or belief
Religion or belief	Sexual orientation
Sexual orientation	Age (over 18s only)
Age	

We are also committed to ensuring that looked after children and care leavers (Care Experienced students) are properly and timeously supported to make the most of their opportunities to gain a place at college, remain on course and attain a successful outcome. We will also ensure that the needs of students with significant caring responsibilities are considered in the planning and implementation of our services.

The Policy also covers legislation subsequent to the Equalities Act 2010 including the Scottish Government Equally Safe Strategy 2014 (updated 2016), the Scottish Government National Plan for British Sign Language 2017 and the Scottish Government Period Poverty Initiative 2017 which seek to end gender inequality, in particular for women, but also including men.

2.1 Discrimination

The College will seek to ensure individuals are protected from all forms of discrimination including:

Direct Discrimination: when someone is treated less favourably because they have one or more protected characteristics.

Discrimination by Association: when someone is treated less favourably because they associate with someone else who has one or more protected characteristics.

Perception Discrimination: where someone is thought to have one or more protected characteristics. It applies even if the individual does not have that characteristic.

Indirect Discrimination: when the organisation's rules, regulations, practices or policies disadvantage a particular group or groups who have one or more protected characteristics. The College may be able to justify indirect discrimination where it can show it has acted proportionately and reasonably in achieving a legitimate aim of its business, and has considered the impact on individuals or groups with one or more protected characteristics before taking action.

The College conducts equality impact assessments all strategies, policies, procedures and decisions, whether new or revised, to ensure that any change is considered and adjustments made to minimise the impact on any groups with protected characteristics.

2.2 Harassment and Victimisation

The College has a zero-tolerance policy with regard to any form of harassment and victimisation.

Harassment is unwanted conduct related to a 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 is in the perception of the individual, not the organisation. Even if the behaviour is not directed at them, whether they do or do not have the protected characteristic, if it is occurring within their environment they have the right to complain of harassment.

Third Party Harassment occurs where an individual from outwith the College is harassing either an employee or a student.

Victimisation occurs when an employee or student is treated badly because they have made or supported a complaint of discrimination or harassment.

3 Key Principles

- We believe that all students and staff should benefit from college life and the opportunities that study and work with the college provides. The College is committed to adopting flexible strategies and practices that support individual needs and circumstances.
- We are firmly committed to ensuring that all people, students and staff, have the same right to access learning and development opportunities.
- We are committed to promoting equality and inclusion, recognising and celebrating diversity and avoiding unfair discrimination within our own recruitment and working practices for both study and employment.
- We are committed to ensuring that any changes in the way we provide services, or how our services are accessed, do not negatively impact on any particular section of society and will impact assess any change to ensure that this is achieved or minimised.
- We believe that all students and staff should be able to study and work in a mutually respectful and supportive environment that enables personal growth and success.

The College's suite of strategies, policies, and procedures seek to ensure these principles are embedded in all decision making and working practices.

3.1 Equalities Planning, Activities and Reporting

West Lothian College aims to be a fully inclusive college that embraces and celebrates diversity.

The College aspires to achieve more than just the minimum legislative compliance required and we seek to do this by actively promoting and embedding equality and diversity, to the benefit of all, across all college activities and throughout our organisation.

This is reflected in our vision, described on page 9 of our Equalities Mainstreaming Report, which sets out our desire to move beyond our statutory obligations and to embed equality and diversity into our everyday activities. This report reflects our long term commitment to equality and we look forward to working with our students, staff, stakeholders and the wider college sector to develop and implement our equality action plan.

We will continue to work to improve our policies, procedures and working practices and introduce a comprehensive and imaginative approach to taking this agenda forward within the College and our communities.

We are committed to meeting our obligations under the Equality Act 2010 and the Public Sector Equality Duty as the minimum acceptable level.

The Equalities Action Plan sets out our objectives and how we will work to achieve these and improve on our current good practice. The action plan will be reviewed annually. In preparing our Outcomes we consulted with our stakeholders through surveys and focus groups to ensure that the Outcomes would take account of the needs of those they are there to serve.

3.2 Inclusiveness

We will ensure that the College's educational provision responds, as far as possible, to the diverse needs of students from a wide range of circumstances including:

- different sexes
- different racial ethnic and religious backgrounds
- those with specific learning difficulties and disabilities, physical and mobility difficulties
- sensory impairments and medical conditions
- rural isolation
- areas of deprivation
- additional caring responsibilities
- care experienced people
- transgender, non-binary and intersex people
- lesbian, gay and bisexual

We will monitor our provision and report on the success of students with protected characteristics and work to reduce gender imbalances within vocational areas of study. We will also seek to understand the impact of gender intersectionality on the attainment of successful outcomes.

3.3 Safeguarding Young People and Adults at Risk of Harm

We recognise our obligation to protect children, young people and adults at risk of harm from instances of physical, emotional, sexual or institutional harm whilst attending college.

Students attending college have the right to expect protection from harm from any individual(s) connected with the College and its business. Staff are required to respond proactively and protectively to alleged or actual incidents of harm.

To support students and staff, the College will ensure there are sufficient and appropriately qualified staff to respond to reported safeguarding issues and will ensure college procedures take account of individuals in this category.

3.4 Care Experienced Learners

Young people who have left care, or are looked after children, are statistically less likely to achieve positive outcomes at college. We will recognise our obligation to these young people and ensure that suitable

support is in place to improve their chances of achieving their learning goals.

3.5 Recruitment of Ex-Offenders

We actively promote equality of opportunity for all and welcome applications, both as an employer and as a provider of education, from a wide range of candidates including those with criminal convictions. We undertake to treat all applicants fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. Having a criminal record will not necessarily debar any individual from working or studying at West Lothian College. This will be considered dependent on the nature of the position, together with the circumstances and background of the offences.

3.6 Harassment

We recognise our responsibility to provide a safe and healthy environment and uphold the right of employees and students to be treated with dignity and respect.

Harassment is harmful, causes distress, and can lead to illness and poor performance. No form of harassment will be condoned at the College, whether coming from staff, students or visitors. The College will ensure that staff and students can report any form of harassment without fear of repercussion.

Where appropriate, every effort will be made to resolve the situation informally. Some incidents, however, by virtue of their serious nature, will need to be dealt with immediately under the College's formal procedures.

3.7 Victimisation

We will ensure that staff and students can complain or bring to our attention any concern about discrimination or harassment without fear of victimisation.

We will investigate any claims of victimisation and make every effort to resolve the issue informally unless the seriousness of the incident is such that formal proceedings are required.

3.8 Complaints

Where an individual or group wishes to make a complaint that the College has not complied with the requirements of this policy we will encourage them to make a complaint following our Complaints Handling Policy and Procedure. The Complaints Procedure is freely available through the college website and the Student Association website.

The Scottish Human Rights Commission (SHRC) provides useful information on where to get advice and support if someone feels they are a victim of discrimination or harassment but is unable to provide individual advice itself.

Website details: <http://www.scottishhumanrights.com/help-advice/>

3.9 Changes to Service and Policy Management

We ensure that any change to our service or to our strategies, policies, procedures or working practices are equality impact assessed prior to changes being implemented to ensure that they do not adversely discriminate against any particular group.

3.10 Reporting Duties

Monitoring report: update to be published April 2019 and every four years thereafter.

Mainstreaming Report: to be updated and published annually

Equalities Action and Activities Plan: to be updated on an ongoing basis throughout the academic year and published annually

4 Responsibilities

Employees

Employees also have a duty to uphold this policy. Those who do not may find themselves facing disciplinary action. Discrimination on the grounds of a person's age, disability, sex, gender reassignment, marital or civil partnership status, pregnancy and maternity, race, sexual orientation or religion and belief is not tolerated and is likely to be unlawful under equalities legislation.

Individuals should be aware that if they harass another person because of their protected characteristic(s) they could be personally liable and may have to pay compensation themselves. This liability is separate from, and in addition to, any compensation that the College may be ordered to pay.

Board of Governors

All members of the Board of Governors are responsible for making sure that the College complies with equality legislation, meets all its duties and ensures that the Policy and the Equality Outcomes and Action Plan and its procedures are followed.

Principal and Chief Executive

The Principal is responsible for giving a consistent and high-profile lead on equality issues, promoting equality inside and outside the College, and making sure that the Policy and the Single Equality Scheme and its procedures are followed.

The Senior Management Team

The Senior Management Team is responsible for putting the Policy and the Equality Outcomes and Action Plan into practice. Their role is to make sure that all staff are aware of their responsibilities and that they receive support and training in carrying these out. It is their responsibility to follow the relevant procedures and take action against staff or learners who may be discriminating unlawfully. They are also responsible for ensuring that resources are made available to deliver the proposed action points.

Equalities Committee

The College's Equalities Committee includes representation from the Senior Management Team, Student Association and staff from a cross section of the College. The Committee is responsible for overseeing the development, implementation and monitoring of this policy and the Equality Actions and Activities Plan.

Managers

All managers are responsible for embedding a culture that embraces equality of opportunity and celebrates and respects diversity. Managers will lead by example and challenge staff and students if inappropriate behaviour occurs. They have a responsibility for both informally and, where necessary, formally managing discriminatory behaviour. They must ensure that they understand their responsibilities under equalities legislation. Where they have responsibility for academic matters they are responsible for ensuring that equality and diversity are embedded within the curriculum.

Staff

All staff are responsible for promoting and embracing equality and being able to recognise and tackle discrimination and harassment. All staff have a legal obligation and a personal responsibility with regard to equality. They should ensure that they attend training to enhance their understanding of the commitment to equality and diversity and the elimination of discrimination. Teaching staff should make good use of opportunities to promote understanding of equality and diversity and associated legislation amongst their students.

Students

All students are responsible for promoting equality and good relations generally and should not discriminate or harass others. Students should be aware of discrimination and/or harassment and feel able and supported to challenge or report it if they witness or experience it.

Contractors and Service Providers

All contractors and service providers on behalf of the College are responsible for adhering to this policy and any equality conditions in contracts or agreements. The College will ensure that the appropriate conditions are inserted in contracts or agreements with any external providers of services.

5 Related Internal Documents

- Harassment Policy and Procedure
- Disciplinary Procedure
- Grievance Procedure
- Recruitment and Selection Policy
- Learner Agreement
- Staff Induction Handbook
- Student Positive Behaviour and Discipline Procedure
- Equalities Action Plan
- Child Safeguarding Policy
- Corporate Parenting Plan
- Adults at Risk Policy
- Protection of Vulnerable Groups Policy Procedure (Staff)
- Protection of Vulnerable Groups Policy Procedure (Students)
- Procurement Strategy
- Performance Improvement Policy and Procedure

Full copies of all policies are available via the College website or by application to the Executive Office.

6 Equality Impact Assessment (EIA)

This is a systematic way of assessing a proposed service change, strategy, policy or procedure which impacts directly or indirectly on staff or the users of college services (hereafter known as the Proposal).

The responsible manager must ensure that their Proposal does not adversely discriminate against any group or individual whether by way of their sex, gender reassignment, sexual orientation, marriage or civil partnership, pregnancy and maternity, disability, age, religion or belief, or race and does not contravene equalities legislation. In addition, the equality impact assessment should consider the impact the proposal may have on an individual or group because of aspects of their social circumstances including trade union membership, poverty and deprivation, criminal convictions, looked after children and care leavers.

The Proposal will be assessed for its impact on equality. The rapid impact assessment tool should be used by the manager in the early stages of Proposal formation to judge the impact it may have on individuals or groups of individuals. Where it is judged that there is the **potential** for negative impacts from the Proposal that cannot be simply rectified at the early planning/writing stage then a full impact assessment will be required before the Proposal can be approved. Where a Proposal has no relevance to the promotion of equality or where the impact is wholly positive no further analysis of the Proposal's impact on equality is required. The Proposal along with the completed rapid impact assessment should be submitted for approval to the relevant committee, management or to the Board along with the completed EIA.

Where a Proposal has the **potential** to have a negative impact on equality issues it must be subject to a full EIA; the second stage of the process. A policy is deemed to have a potential impact on equality in all cases were it relates to access to any college services, funding or employment and will be subject to full equality impact assessment.

To complete a full EIA the author creates an EIA team and uses the template to impact assess the Proposal. The Proposal is then adjusted following the actions to be taken. The full EIA must be submitted to the relevant management team, committee or the Board along with the draft Proposal.

Policies

Where a group of policies relate to a single service that is relevant to equalities an EIA may be conducted on the service and its policies in their entirety. The service manager must agree this approach with the College senior management team prior to commencement.

Equality Impact Assessment

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

Policy/Practice (name or brief description):	Equality, Diversity and Inclusion Policy
Reason for Equality Impact Assessment (choose from the following options):	
<ul style="list-style-type: none"> • Proposed new policy/practice • Proposed change to an existing policy/practice • Undertaking a review of an existing policy/practice • Other (please give detail): 	New Policy developed to supplement Equality Mainstreaming Report
Person responsible for the policy area or practice:	
Name: Job title:	J Stalker Head of Service, Quality and Learner Services
An Equality Impact Assessment must be carried out if the policy/practice:	
<ul style="list-style-type: none"> • affects operational or strategic functions of the College • is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance) Why the EIA is being carried out The Equality Impact Assessment is being carried out on a newly developed policy which sets out the College's aims to meet its public sector duties under the Equality Act and taking account of newly introduced government legislation linked to the Equalities agenda. The policy is needed to progress the college equalities outcomes and to embed these in all college activities.	

	The EIA is carried out to ensure that the needs of all staff, students and visitors to the College, have been considered with regard to equalities and that there is no detriment to an individual, or group of individuals, who may have one or more protected characteristics.
Equality Groups	
Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:	
<ul style="list-style-type: none"> • Age • Disability • race (including ethnicity and nationality) • religion or belief • sex • sexual orientation • gender reassignment • pregnancy and maternity • marriage or civil partnership 	<p>All of the groups are covered under the Policy to ensure that there is no detriment to any.</p> <p>There is no negative impact on any of the noted groups.</p>

Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	Individual and or group needs are fully addressed under the policy.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
State how this policy/practice will	The policy works to embed key equalities outcomes and principles across all areas of

foster good relations:	college work and across all persons working with and studying with the College.
Will the policy/practice create any barriers for any other groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
Which equality groups or communities have been consulted in the development and review of this policy/practice?	<ul style="list-style-type: none"> • The Student Association – consulted on behalf of the student body. • Equalities Committee members have approved the policy • Senior Team have approved the policy • Advance HE provided guidance and support in compilation of the policy • Borders College provided guidance and support in compilation of the policy

Equality Impact Assessment Outcome

Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):

Option 1: No change required – the assessment is that the policy/practice is/will be robust.

Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.

Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated

Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.

Option 1

Monitoring	
When will the policy/practice next be reviewed?	Oct 2021 or as required, subject to legislative or organisational change
Publication of EIA	
Can this EIA be published in full, now? Please state Yes or No If No – please specify when it may be published or indicate restrictions that apply:	Yes
Sign-off	
EIA undertaken by Name: Date: Accepted by person responsible for the policy/practice named above: Name: Date:	J Stalker 18 October 2018 Shelagh Fraser 18 October 2018

Retain a copy of this form for your own records and attach a copy to the bottom of the document to which it refers. Send to ebrown@west-lothian.ac.uk for review and publication.