



Equality, Diversity and Inclusion Policy

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History of Changes

Version	Description of Change	Authorised by	Date
1.1	Policy Review: 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
1.2	Policy reviewed and updated to include the new Equality Outcomes Also updated to include a revised Statement of Inclusiveness	B. Brownlee	26 October 2021

Statement of Inclusiveness

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices, and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage, or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Equality Impact Assessment is attached at Appendix 1

1 Introduction

West Lothian College aims to provide a working and learning environment that advances equality, a diverse culture, where everyone is welcomed, respected, valued, and supported.

The College is subject to, and compliant with, the Public Sector Equality Duty. The general duty requires the College to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation, and other prohibited conduct.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The Policy also conforms with 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.

The College 's Equality Outcomes Action Plan demonstrates how the College will pay due regard to its obligations under the Equality Act 2010 (including reflecting the provisions of the Scottish Specific Duties) and other relevant legislation. The College undertakes to exceed the legislative requirements. The evidence is reported in the College Mainstreaming Report.

Equality Outcomes 2021 - 2024

Outcome 1	The College will be welcoming to all and be proactive in attracting, recruiting, and retaining staff and students from under-represented groups.
Outcome 2	The College will keep students at the centre of everything we do by ensuring that every student feels welcome, safe, and supported in both physical and virtual learning environments.
Outcome 3	The College will always strive for better by removing barriers to learning and by being proactive in enabling all students to succeed.

2 Scope of the Policy

This Policy applies to all members of the College community, including:

- All members of staff (full and part time) holding a contract of employment, and staff from other institutions on placement at, or visiting the College.
- All students, including visiting and placement students.
- Visitors, including external persons or agencies using the College's premises, facilities, or services.
- Contractors working at the College or for the College.
- Individuals working or acting on the College's behalf, including suppliers of goods and services

The College will assess the impact of its policies and practices to identify and mitigate any disadvantage to protected characteristic groups. The College will ensure that no group within protected characteristics experience unfair discrimination, harassment or victimisation while working at, studying with, or visiting the College. Protected characteristics as defined by the Act are listed below.

Protected Characteristics

Protected characteristics are the grounds upon which discrimination is unlawful. The protected characteristics defined under the Act are:

- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation.
- Age

The College will assess the impact of its policies and practices to identify and mitigate any disadvantage to protected characteristic groups. The College will also ensure that all job applicants, applicants for promotion and applicants for study are being fairly treated, and to support and inform the Equality Impact Assessment process.

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

2.1 Discrimination

Forms of Discrimination (Equality Act 2010)

1 Direct Discrimination

Occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

The new definition of direct discrimination extends protection based on association and perception, already applicable to race, sexual orientation and religion or belief, to include age, disability, gender reassignment, and sex.

- a Refers to discrimination based on an individual's association with another person belonging to a relevant protected characteristic.
- b This is direct discrimination against a person because of a belief that a person possesses a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

- 2 This occurs when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim.

The College will ensure that individuals or groups are:

- Not discriminated on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation (hereafter referred to as the 'protected characteristics') in any decisions concerning student admissions, progression, or support provision.
- Not discriminated on grounds of any protected characteristic, in decisions concerning staff recruitment and selection, career development, promotion, staff development opportunities, pay and remuneration, or reward and recognition.

Carers may also be protected against discrimination by association with the protected characteristic of disability.

Duty to Make Reasonable Adjustments

The Act consolidates and extends previous duties upon employers and providers of education, goods, and services to make reasonable adjustments for disabled people. The duty is three-fold:

- Where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, reasonable adjustments must be made to avoid the disadvantage.
- Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled, reasonable adjustments must be made to avoid the disadvantage
- Where a disabled person would, but for the provision of an auxiliary aid, be at a substantial disadvantage in comparison with persons who are not disabled, reasonable adjustments must be made to avoid the disadvantage by providing the auxiliary aid. In addition, where requirements relate to the provision of information, reasonable adjustments include ensuring that the information is available in an accessible format.

2.2 Harassment and Victimisation

The College has a zero-tolerance policy on any form of harassment and victimisation.

Harassment

The Equality Act 2010 outlines three types of harassment.

- Unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity (this applies to all protected characteristics apart from pregnancy and maternity, and marriage and civil partnership)
- Unwanted conduct of a sexual nature (sexual harassment)
- Treating a person less favourably than another person because they have either submitted to, or rejected, sexual harassment or harassment related to sex or gender reassignment

People are protected from harassment if they are perceived to have, or associate with someone with, a protected characteristic.

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.

The College also recognises that 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, may need to be dealt with immediately under the College's formal procedures.

Victimisation

Victimisation takes place where one person treats another less favourably because they have asserted their legal rights in accordance with the Equality Act 2010 or helped someone else to do so. This includes making a complaint, taking legal action, providing evidence related to proceedings or alleging that discrimination has taken place.

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

The College 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 Key Principles

- The College believes 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.
- The College is committed to ensuring that all students, and staff, have the same right to access learning and development opportunities.
- The College is committed to promoting equality and inclusion, recognising and celebrating diversity and avoiding unfair discrimination within the College own recruitment and working practices for both study and employment.
- The College is committed to ensuring that any changes in the provision of services, or how the College services are accessed, do not negatively impact on any section of society, and will assess the impact of changes made to ensure that impact is removed or minimised.
- The College believes 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.

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 the College organisation.

This is reflected in the College's vision, described in the Equalities Mainstreaming Report, which sets out the Colleges desire to move beyond the statutory obligations and to embed equality and diversity into everyday activities. The report reflects the Colleges long-term commitment to equality and aims to work with the students, staff, stakeholders, and the wider college sector to develop and implement its equality action plan.

The Equalities Action Plan, reviewed annually, sets out the activities planned towards the achievement these objectives, and improve on the College current good practice. In preparing the College Outcomes the staff, stakeholders were consulted through surveys and focus groups to ensure that the Outcomes would meet the intended impact.

3.2 Inclusiveness and Widening Access

The College will ensure that educational provision responds, as far as possible, to the diverse needs of students from a wide range of circumstances including, but not limited to:

- 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

Progress on the success of students with protected characteristics and work to reduce gender imbalances within vocational areas of study is progressed through the Equality Action Plan. The College will 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 the College 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. The College recognises its obligation to young people and to 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 everyone 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 based on 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 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 the College Complaints Handling Policy and Procedure. The Complaints Procedure is freely available through the college website and the Student Association website. Details can be found at: [Strategies, Policies And Procedures | West Lothian College \(west-lothian.ac.uk\)](https://www.west-lothian.ac.uk/strategies-policies-and-procedures/)

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.

Scottish Human Rights website details: [Home | Scottish Human Rights Commission](https://www.shrc.org.uk/)

3.7 Changes to Service and Policy Management

West Lothian College ensures that any change to the College service or to the College 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.

3.8 Reporting Duties

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

Mainstreaming Report: to be updated and published annually.

Equalities Action and Activities Plan: Progress to be updated on an ongoing basis and reviewed annually.

4 Responsibilities

Board of Governors

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, and commitments detailed in this Policy are implemented.

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 Executive Leadership Team

The Executive Leadership 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 act 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 and Widening Access Committee

The College's Equalities and Widening Access Committee includes representation from executive leadership team, Student Association, and all College managers. The Committee is responsible for overseeing the development, implementation and monitoring of this policy and the Equality Action Plan. The committee will also sign-off on Equality Impact Assessments by exception.

Equalities and Widening Access Officer

The Equalities and Widening Access Officer will ensure that students and staff are aware of this policy and their obligations under it, monitor and evaluate the progress of the policy and encourage positive action to address any areas of concern, and in addition provide advice and guidance and support any training where necessary.

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 also have a responsibility 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.

All Employees

Employees have a duty to uphold this policy. 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 and may lead to disciplinary action.

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 for equality. Mandatory training modules on equality and diversity are provided by the institution for staff completion on an annual basis. Staff should ensure that they complete the training and attend relevant courses to enhance their understanding of the commitment to equality and diversity and the elimination of discrimination. Teaching staff should make effective 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 against 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.

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.

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
- Safeguarding
- Corporate Parenting Plan
- Protection of Vulnerable Groups Policy Procedure (Staff)
- Protection of Vulnerable Groups Policy Procedure (Students)
- Procurement Strategy
- Performance Improvement Policy and Procedure
- Student Carer's Policy

Full copies of key policies are available via the [College website](#) or by application to the Executive Office. Within the College, they are available to all staff on the College's Microsoft SharePoint intranet.

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 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 where 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 executive leadership 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
Strategy/Policy includes Equalities Statement of Inclusiveness? Yes	<p>Text to be included in strategy/policy:</p> <p>Statement of Inclusiveness</p> <p>West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices, and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage, or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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): 	<p>Undertaking a review of an existing policy and making relevant updates.</p>

Person responsible for the policy area or practice:	
Name:	Beth Brownlee
Job title:	Head of Quality, Student Support and Learning Resources
<p>An Equality Impact Assessment must be carried out if the policy/practice:</p> <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 EIA is being carried out to ensure that the needs of all staff, students, and visitors to the College, have been considered, and that there is no detriment to an individual, or group of individuals, who may have one or more protected characteristics.
<p>Equality Groups</p> <p>Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:</p>	
<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 the equality groups are covered under the Policy to ensure that there is no detriment to any individual or group.</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. Updates made to the Policy will not have any adverse impact against any group.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	Not applicable.
State how this policy/practice will foster good relations:	The policy works to embed key equalities outcomes and principles across all areas of 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?	Equalities and Widening Access Committee

Equality Impact Assessment Outcome	
Select one of the College 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.	No change is required.

Monitoring	
When will the policy/practice next be reviewed?	October 2024 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: Approved by Equalities and Widening Access Committee Date:	Shelagh Fraser 20-10-21 Beth Brownlee 26-10-21 Not required

Retain a copy of this form for your own records and send a copy to lbyrne@west-lothian.ac.uk