



New College Durham



Single Equality,
Diversity and
Inclusion **Scheme**
2014 - 2017

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Section 1

Overview of Single Equality, Diversity and Inclusion Scheme

Having reviewed our first three year Single Equality Scheme, this updated document functions to further support us in meeting our legal requirements under the Equality Act 2010 and is based on the principle that people with protected characteristics should not be discriminated against in employment or in education.

New College Durham draws its staff and students from a wide range of backgrounds. Our educational provision, services and partnerships provide opportunities for people with an equally wide range of abilities and aspirations. Against that background, our commitment is demonstrated through our Equality, Diversity and Inclusion Scheme which focuses on the key areas of our service delivery, employment practices and our working practices to meet the needs of students, staff and other stakeholders.

This Scheme and associated policy and procedures describe how the College sets out to fulfill its moral, social and legal obligations to put equality, diversity and inclusion at the heart of everything we do. It is based on the knowledge that discrimination exists within today's society and that discrimination prevents people from realising their full potential. Covering the period 2014 – 2017 the Scheme and all associated procedures support us in our strategic objectives and vision and values and applies to all staff and students.

College Values

As an employer and a learning organisation, we will:

- celebrate achievement in learning of all kinds;
- act fairly, openly and transparently;
- achieve and maintain the highest standards in everything that we do;
- fulfil our commitment to equal opportunities and the rights of others.

Equality, Diversity and Inclusion Vision

For our College to be a place where learning and working exists in an environment that **advances** equality of opportunity, **celebrates** diversity and allows everyone to achieve to their fullest potential. The College is opposed to any form of discrimination and we will ensure that our practices are **legal** and **accessible** and **fair** to all learners, service users and employees.

Equality, Diversity and Inclusion Values

To fulfil our commitment to equality of opportunities and respecting the rights of others we will:

- Drive the agenda at the highest level;
- Embed equality, diversity and inclusion within all our practices;

- Advance equality and diversity and tackle all forms of discrimination;
- celebrate diversity and difference;
- Seek to educate staff, students and the community to both foster good relations and also to recognise the considerable benefits of a diverse community.

Equality, Diversity and Inclusion Aims

The College will aim to:

- continue to develop and raise awareness of equal opportunities across all aspects of the organisation and to work towards staff and students demonstrating confidence in, and commitment to equality, diversity and inclusion;
- develop and share good practice in embedding the principles of equality, diversity and inclusion across all aspects of the organisation;
- work with learners, staff and external agencies to address the barriers faced by particular groups of people and to allow full participation in the promotion of equality and diversity;
- monitor, measure and evaluate the impact of equality and diversity policies, provision and action plans.

Legal Framework

The Scheme supports us in meeting our legal obligations/duties as set out in the Equality Act 2010. The Equality Act harmonises and replaces all previous anti-discrimination legislation to ensure a consistent approach when complying with the law. However, we aspire to make our documents more organic and rather than simply discharging our legal obligations, we would wish our Scheme to be the framework to formulate and action discernible change to our approach to potentially discriminatory issues.

The Equality Act 2010 introduced a new public sector duty (“the duty”) which consists of the general equality duty with its three main aims, and specific duties designed to help the College meet the general duty by improving the focus and transparency of our activities.

The General Duty

In accordance with the general duty the college will, in carrying out our functions, have due regard to the need to:

- eliminate all types of discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act;
- advance equality of opportunity;

- c. foster good relations.

Eliminating discrimination and advancing equality of opportunity involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- encouraging people from protected groups to participate in activities where their participation is disproportionately low;
- taking steps to eliminate harassment related to each protected characteristic; and
- promoting positive attitudes towards each protected characteristic.

‘Due regard’ involves:

- thinking consciously about how existing and proposed policies and practices impact on equality. This includes how employees are treated, the design and delivery of services and how financial decisions are made.

Fostering good relations involves:

- tackling prejudice and promoting understanding between people from different groups.

Complying with the duty may involve

- treating some people more favourably than others, although it is important to ensure that in doing so there is no breach of the non-discrimination provisions of the act.

The Specific Duties

In accordance with the specific equality duties, the College will, in summary, publish equality information and prepare and work towards equality objectives. Our current objectives and the action plan to support these objectives are subject to on-going review in the light of legislative changes, regional and local priorities and are therefore subject to change. These will be published on our web site along with this Scheme.

Protected Characteristics

Our Scheme covers the same groups that were protected under previous equality legislation and are now defined as “protected characteristics”. These are listed as:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

Detailed information on these characteristics and forms of discrimination can be found at Annex A and B.

In addition to the above protected characteristics, the College also recognises economic circumstances have a significant impact on personal achievement and progress. The College’s catchment area covers 46 disadvantaged wards and the unemployment rate across County Durham is 1.7% above the national rate. New College Durham delivers a range of training and employability programmes both on a sub-regional and regional level. Various programmes have been developed to enhance the opportunities of learners in gaining employment. We therefore consider these circumstances as appropriate in our action plans.

Consultation and Involvement

We recognise that consultation and involvement is fundamental to the success of our Scheme and we are committed to ensure that the principles of consultation and involvement are embedded in our actions within the Scheme.

Equality Objectives

New College Durham recognises that in order to meet our mission we need to have clear equality objectives and priorities to help us on our continuous journey to strive for the very best.

Our objectives are underpinned with detailed data analysis from various sources including, student and staff monitoring data, equality impact assessments, learner voice, outcomes from complaints and allegations of discrimination and harassment, local and national research and our development plans.

Roles and Responsibilities

All individuals at New College Durham have a responsibility for the successful operation of this Scheme and associated procedures. This includes staff, learners, customers, Governors and stakeholders.

Where adherence to the principles of this Scheme and associated policies and procedures falls below what is expected, individuals are encouraged to be vigilant and report instances and concerns. We commit to investigate all concerns and take action as appropriate through our relevant processes.

Our Scheme recognises that a number of individuals/College groups have additional responsibilities to ensure the effective development, promotion, implementation and monitoring the adherence and observation of the principles of this Scheme.

Key Responsibilities:

The Corporation are responsible for monitoring and evaluating the effectiveness of this Scheme. Governors are aware of the Corporation's legal responsibilities relating to the Equality Act and regularly review the College's progress against the Equality and Diversity Action Plan. The College Strategic Plan includes a commitment to equality and diversity.

The Senior Executive Group are responsible for ensuring that all staff are aware of their responsibility under the new duty and that all staff embrace the organisational vision for equality.

The Equality Steering Group is responsible for setting the Scheme and monitoring its implementation. This group has representation from staff and students as well as external members.

The Director of HR & Corporate Services will ensure that staffing policies and procedures reflect the key requirements of equality legislation, ensure the formal monitoring and review of this aspect of the Scheme, and ensure progress in meeting the equality objectives.

College Managers are responsible for ensuring that support is provided to staff, learners, and customers within their area and for each individual to be aware of their responsibilities and the College's expectation of them under the Scheme. The Human Resources department will provide advice and guidance to managers on employment matters.

All students and staff are responsible for ensuring that they do not discriminate against or harass others in the College. Students and staff also have a duty to promote equality in the College. This means actively discouraging or condemning any discriminatory behaviour or harassment towards students, staff or visitors to the College. Teaching staff should be aware that these demands also include: tutorial and pastoral support, class visits and work placements, assessment of learning,

student forum groups, production and use of learning resources and materials and curriculum design. Staff and students have a duty to report to College staff/managers any incidents which involve harassment or discriminatory behaviour.

Ensuring Equality for All

A whole-College approach is required to promote equality of opportunity and inclusion for all. We need to ensure that the principles and goals of equality, diversity and inclusion are embedded in our day-to-day lives so that it is not seen as “something extra”. These principles should be natural to all of us and hence we look to supplement training, with sets of goals, values, role models and mechanisms to make it second nature to us.

The College endeavours to create an environment for work and study in which everyone is treated with dignity and respect, where all employees, students and visitors whatever their protected characteristic feel valued and welcomed and where discriminatory behaviour is not tolerated. To support this, the College promotes a positive environment, via positive pictures and images of people with protected characteristics as well as publicity materials, literature and use of language etc. The aim is to work towards eliminating prejudice and discrimination and encourage change in individual behaviour to foster good relations between all.

Abuse, harassment or bullying because of someone’s protected characteristic is unacceptable. These are viewed as serious disciplinary offences that will result in disciplinary action, which may lead to dismissal for staff or exclusion for students.

Propaganda or derogatory messages against any of the protected characteristics in any form, will not be tolerated. The College undertakes to immediately remove any such messages whenever they appear on the premises and disciplinary action may be taken against perpetrators.

It is important to recognise that a protected characteristic may not be obvious or visible and as such assumptions should not be made about individuals. The College seeks to provide a supportive environment for employees and students who wish it to be known that they identify with a protected characteristic. However, it is the right of the individuals to choose whether they wish to disclose a protected characteristic.

Promoting equality of opportunity may create tensions between people who identify with different protected characteristics, for example tensions between religious belief and sexual orientation. However, the holding of certain beliefs, such as religious beliefs which regard “homosexuality as a “sin, will not be a justification for non-observance of Colleges’ equality duties.

Whilst the College respects the rights of individuals to hold belief systems, the right does not extend to mitigating any breaches if the Single Equality, Diversity and Inclusion Scheme.

The College does not make assumptions about employees or students in respect of their personal lives, for example assumptions should not be made that partners will be of the opposite sex; or that female employees of childbearing age will not be suitable for promotion opportunities.

The College welcomes and facilitates staff and student equality groups which supports individuals with protected characteristics such as the Lesbian, Gay, Bisexual and Trans Group (LGBT).

Requests for specific needs relating to a protected characteristic will be considered carefully. Examples may include requests for disability leave or time off to participate in religious observance, extra time for exams or specialist support for learners. All issues will be dealt with in accordance with any relevant policy and procedures that currently exist.

Equality Impact Assessments

The College undertakes Equality Impact Assessment (EIA) processes that help us to review the effectiveness of our policies and procedures and the way we carry out our functions. This helps identify the likely (or actual) effects of policies and practices on people in respect of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sex and sexual orientation. The EIA process also identifies the opportunities to promote equality that have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated.

As part of the College's continuous improvement process, equality and diversity issues are reviewed and responded to in the Self-Assessment Review and Quality Improvement Plan, as curriculum reviews take place at course, school and College level.

Involvement in the EIA process has been achieved in part through liaison and discussion with staff, learners and/or representatives of people with a protected characteristic. We welcome representation on EIA issues from any interested party.

We will review our Equality Impact Assessment process to ensure we continue to meet good practice taking into consideration the AoC Guidance issues in relation to such matters.

Leadership and Management

The College's commitment to Equality and Diversity is driven at the highest level with Governors and the Senior Executive Group who are committed to supporting and driving developments in equality. The Principal & Chief Executive chairs the Equality and Diversity Steering Group and Governors are aware of the

Corporation's legal responsibilities relating to the Equality Act and regularly review the College's progress against the Equality Objectives. Governors receive and respond to the monitoring information on staff and learners. The College Strategic Plan includes a commitment to equality and diversity.

As an employer, the Corporation is committed to ensuring that the procedures for recruitment, training and promotion of staff demonstrate the best practice in terms of equality and diversity. Members of the Senior Executive Group are committed to creating a positive, inclusive ethos in the College. They take a lead in challenging discriminatory behaviour on the part of the managers, staff or learners and take responsibility for ensuring that all aspects of College policy and activity are sensitive to equality issues.

The Senior Executive Group have taken the responsibility for ensuring that all staff are aware of their responsibility under the Equality Duty and that all staff embrace the organisational vision for equality. This will also include discussions with external contracted services such as transport, cleaning and catering services.

Strong strategic direction from senior leaders and Governors contributes very effectively to the outstanding success rates and quality of our provision. A culture of mutual respect is promoted very successfully and communication effectively ensures that staff, at all levels, are well informed and aware of their responsibilities in relation to equality.

Recruitment and Selection

The College undertakes to ensure that there is no discrimination because of a protected characteristic in the way it recruits, selects and promotes staff. These principles apply to all staff, regardless of the stage of their employment. We will ensure that values detailed in this Scheme are applied to staff from the very first contact with the College, normally via the initial expression of interest for a post within the College.

Recruitment and Admission for Students

The College is committed to promoting equal opportunities for all students, recognising that provision is enriched by a diverse student body that is reflective of the wider community, and welcomes applications from both home and international communities. Again the values as detailed in the Scheme apply to all students from the first point of contact they have with the college and on-going.

Staff Training and Development

The College recognises that one of the key factors in ensuring that our Scheme is a success is underpinned by the need to educate, train and raise awareness of

our Scheme and any action plans. We will seek to undertake this by a number of mechanisms, building on the on-going initiatives within the College.

The College ensures the effective promotion of diverse training and development methods to engage staff in all areas of training including equality training. Staff training in the requirements of equality legislation is integrated as part of the induction for all new employees and Governors. The on-line training is a mandatory requirement for all staff, every three years. Regular updates are provided in briefing sessions, via the Equality and Diversity intranet page and through Newsletters. Where there is a need to raise awareness or train staff in relation to equality and diversity in its widest sense these will be facilitated as appropriately as part of our training priorities/plan.

Equal Access to Training and Development and Progression

All employees are afforded equal access to training, promotion and other aspects of career development. Training and promotion opportunities will not be denied on the basis of a protected characteristic; and assumptions will not be made on the basis of an employee's protected characteristic about their ability or willingness to participate in training or when being considered for promotion.

Accessibility of Buildings and Facilities

The College operates in a building with good facilities for staff and students. The College strives to ensure that its buildings and facilities are fully compliant with all current building regulations including all those aspects relating to access and facilities for disabled people.

To assist in this goal the College works in partnership with a number of organisations e.g. DisabledGo to help disabled people access our campus facilities and excellent education opportunities.

We are keen to extend such consultation to others, so would encourage any individual or organisation with suggestions on the building to contact John Graydon, Head of Facilities on 0191 375 4931.

The College regularly conducts access audits with disabled staff and students to inform our future planning and development needs.

Procurement and Contracting

We believe that it is essential that people and organisations we contract with to work on our behalf, aspire to our vision and values. We require all partners/subcontractors to engage with and agree to abide by our Equality and Diversity obligations, including our relevant policies and procedures and practices.

Where a service is contracted out to a third party, e.g. Aramark, the College recognises its responsibility for carrying out its obligations as detailed in this Scheme in relation to that service. However, central to any contracting out arrangements, will be a clear commitment to our Scheme and its goals and its requirements form part of the performance management process in relation to the delivery of any contracted out service.

Monitoring of the Scheme

The success of this Scheme depends on the degree of commitment of all staff, learners, customers, governors and other stakeholders of New College Durham. The effectiveness of the Scheme can only be judged by using feedback on how the Scheme operates.

The effectiveness of this Scheme will be monitored through:

- an annual report presented to Corporation;
- implementation of our Equality and Diversity Objectives/Action Plans;
- all feedback provided.

We recognise that feedback will include both qualitative and quantitative analysis and we will ensure that both are considered on a regular basis by key stakeholders, e.g. Corporation, Equality Steering Group, Senior Executive Group and published on the internet.

We will publish our Scheme and associated monitoring data widely through the range of College communication methods, including the College website and intranet, posters, leaflets and in other accessible formats. We will consider any enquiries requesting the Scheme in an alternative format. We will encourage feedback on this Scheme and will take account of all comments as part of our regular updating of the Scheme.

Section 2

Associated Policies and Procedures

The following represents the main policies and procedures that may be used to deal with or support issues in relation to the many facets of equality, diversity and inclusion for both staff and students.

Staff

- Prevention of Harassment, Bullying and Victimisation in the Workplace
- Grievance Procedure
- Complaints Procedure
- Recruitment and Selection Procedure

- Disciplinary Procedure
- Managing Stress at Work Policy
- Safeguarding Policies
- Sickness Absence Policy & Procedure
- Special Leave
- Flexible Working Procedure
- Job Share Policy
- Maternity Guidelines
- Paternity Policy
- Redeployment and Redundancy Policy

Students

- Prevention of Bullying Policy for Learners
- Procedures for Dealing with Bullying Incidents or Concerns
- Admissions Policy FE
- Admissions Policy HE
- Learner Support Policy
- Learner Behaviour Policy
- Student Disciplinary Procedure
- Access Fund Policy

Section 3

Complaints/Feedback

The College strives to create a working and learning environment that promotes dignity and respect for all. Any occasion where standards fall below the College's high expectations or any complaint or concerns regarding unfair treatment under the Single Equality, Diversity and Inclusion Scheme will be fully investigated and appropriate action taken.

We recognise that many concerns/issues can be resolved by informal discussions or simply by providing clarity, thus we would encourage individuals to contact us informally in the first instance to discuss any issues. However if your concerns are such that you feel that you would prefer a more formal consideration then further information on the above policies/procedures are available on the College intranet site.

Contact Us

We would like your feedback and suggestions on our Scheme and will take account of all comments as part of our review of this document.

Please contact:

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Glossary of Terms

Age: This refers to a person having a particular age (for example, 32 year-olds) or being within an age group (for example, 18-30 year-olds).

Belief: see **Religion and belief**

Civil partnership: Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Direct discrimination: This refers to less favourable treatment because of a person's protected characteristic.

Disability: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Equality Act 2010: This brings together the majority of existing equality legislation into one place so that it is easier to use. It also strengthens the legislation in some areas. It sets out the protected characteristics that are protected by the law and the behaviour that is unlawful.

Equality information: The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This will include the findings of engagement with protected groups and others and the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

Equality objectives: A requirement to prepare, set and publish objectives is one of the specific duties set out under the equality duty.

Fostering good relations: The Equality Act 2010 states that having due regard to the need to fostering good relations involves having due regard, in particular, to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

Gender: refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. "Male" and "female" are sex categories, while "masculine" and "feminine" are gender categories.

Gender reassignment: This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

General duty: The requirement to show due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.; advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not.

Harassment: Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

Indirect discrimination: This is when a provision, criterion or practice is applied in a way that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic, and is not a proportionate means of achieving a legitimate aim.

Marriage: A union between a man and a woman.

Maternity: The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Positive action: Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

Pregnancy: The condition of being pregnant.

Protected characteristics: The equality duty covers the following characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are also referred to as protected groups. The duty also covers marriage and civil partnerships, but not for all aspects of the duty.

Public authority: The general equality duty applies to public authorities. For this purpose, a public authority is a body that is named (listed) or described in Schedule 19 of the Equality Act. It also applies to other organisations who exercise public functions. This includes private bodies or voluntary organisations which are carrying out public functions on behalf of a public authority.

Race: This is the protected characteristic of race. It refers to a group of people defined by their colour, nationality (including citizenship), caste, ethnic or national origins.

Reasonable adjustment: Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

Religion or belief: Religion means any religion, including a reference to a lack of religion. **Belief** includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

Sex: Someone being a man or a woman. "**Sex**" refers to the biological and physiological characteristics that define men and women.

Sexual orientation: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Stakeholders: People with an interest in a subject or an issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it.

Statutory Code of Practice: A document which offers practical guidance on the law, has been approved by parliament and is admissible as evidence in a Court of law.

Trans: The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgynous/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

Transsexual: A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

Victimisation: Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

Types of Discrimination

Discrimination occurs when a person (or group) is treated less favourably than others. It can take different forms and this section describes the different types of discrimination, or 'prohibited conduct', under the act.

Direct discrimination: is less favourable treatment because of a protected characteristic. Direct discrimination occurs if a person has the characteristic, is perceived to have the characteristic or because they associate with someone who has a protected characteristic direct discrimination in relation to age can be objectively justified.

Indirect discrimination: may occur when an apparently neutral provision, criterion or practice is applied to everyone, but which puts people who share a protected characteristic at a particular disadvantage; and this cannot be justified as a proportionate means of achieving a legitimate aim.

Discrimination arising from disability: is where a disabled person is treated unfavourably not because of his/her disability itself but because of something arising from, or in consequence of it, and that treatment cannot be justified as a proportionate means of achieving a legitimate aim.

Discrimination by association: is direct discrimination because of a person's association with another person who has a protected characteristic (not including marital or civil partnership status). This applies regardless of whether the person has the protected characteristic personally.

Discrimination by association for pregnancy and maternity is not included specifically in the Act. However an employee could complain of sex discrimination by association if treated less favourably because their partner is pregnant or on maternity leave.

Discrimination by perception: is direct discrimination against a person because he/she is mistakenly believed to have a protected characteristic (not including marital or civil partnership status).

Harassment: is unwanted conduct relating to a protected characteristic, which has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Victimisation: occurs when a person is treated less favourably because he/she has, in good faith, done a protected act (e.g. made or supported a complaint, or raised a grievance) regarding a protected characteristic.

Reasonable adjustments: are those adjustments made to remove barriers preventing people from integrating into College life. The duty to provide reasonable adjustments is a positive duty to remove any barriers or provide extra support to disabled people in the workplace and for applicants during the recruitment process. Failure to make that adjustment may amount to discrimination.

Objective Justification: is the process by which the College may be able to objectively justify discrimination as being a proportionate means of achieving a legitimate aim. If challenged it is for the College to justify the provision, criterion or practice so evidence should be produced to support any assertion that the discrimination is justified. Considerations should be made for justification on the merits of each individual case.

The question of whether the provision, criterion or practice is a proportionate means of achieving a legitimate aim should be approached in two stages:

- Is the aim of the provision, criterion or practice legal and non-discriminatory, and one that represents a real, objective consideration?
- If the aim is legitimate, is the means of achieving it proportionate – that is appropriate and necessary in all circumstances?

Annex C

	Direct discrimination	Indirect discrimination	Discrimination arising from a disability	Discrimination by association	Discrimination by perception	Harassment	Victimisation
Age	Specifying age ranges e.g. 'applications will only be accepted for those under 25' within job advertisements.	Specifying a requirement for GCSE's without including 'or equivalent'. GCSE's were introduced in 1986 and there is a particular disadvantage against those who studied prior to that date if the requirement is essential.	<i>Does not apply.</i>	Not offering a role to an employee because they live with an older relative through concerns that the individual may take additional time off for carer responsibilities.	Not allowing a younger looking employee to apply for a more senior role because of an assumption made about their age.	Referring to a person constantly as 'young man' within a meeting.	Not providing a reference for a person who has previously claimed age discrimination.
Disability	Refusing to let a wheelchair user attend a residential training course, even if the reason for refusal was because a College had concerns about that person's mobility/welfare whilst away.	A College who only produces training materials in a format which isn't easy to read, making it difficult for a person with learning difficulties or a visual impairment to access.	An employee being disciplined for out of character behaviour caused by medication linked to a disability.	Dismissing an employee due to absence relating to a dependent's disability or withholding an offer of appointment or promotion due to a dependents disability.	Using simple language towards an individual who is perceived to have a mental impairment because of a physical disability.	Talking openly about disability allowances being 'a drain on society'.	A wheelchair user complains their workstation is not suitable, their concerns are dismissed and subsequently they are excluded from information sharing groups.
Gender reassignment	Treating transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured, or if they were absent for some other reason.	On a training course, as an ice-breaker staff are asked to bring in a photograph of themselves when they were a child. One worker is a transsexual woman who does not want her colleagues to know she was raised as a boy. When she doesn't bring a photo she is criticised in front of the group for not joining in.	<i>Does not apply</i>	An employee is overlooked for promotion because their partner has undergone gender reassignment	A female applicant is perceived to be a transsexual because of her appearance and although scores the highest at interview is not offered the role. The woman could complain of direct discrimination because of perceived gender reassignment, even though she is not in fact transsexual.	Name calling or comments of a derogatory nature towards the trans community are made at a College social event. Similarly the continued use of an incorrect pronoun ('he'/ 'she') may account towards harassment (whether intentional or not).	An employee raises a grievance against a procedure which they feel is unfair to transgender people; they are then later rejected for promotion as they are perceived to be 'trouble'.
Marriage and civil partnership	Benefits available to spouses are not made available to civil partners.	Because more married women than single women have childcare responsibilities, a policy of full-time working could amount to indirect marriage discrimination.	<i>Does not apply</i>	<i>Does not apply</i>	<i>Does not apply</i>	<i>Harassment would amount to harassment related to sexual orientation</i>	An employee is not offered any overtime until the outcome of their grievance has been investigated.
Pregnancy and maternity	Refusing training to those who are pregnant.	A manager organises a team building event includes strenuous physical activity not suitable for pregnant women.	<i>Does not apply</i>	<i>Does not apply directly however employees may claim sex discrimination by their association with a pregnant woman.</i>	Not short-listing a female employee for promotion because senior staff believe her to be pregnant irrespective of whether she is pregnant or not.	<i>Harassment would amount to harassment related to sex.</i>	A woman who is pregnant complains of unfair treatment and is subsequently made redundant whilst on maternity leave.

	Direct discrimination	Indirect discrimination	Discrimination arising from a disability	Discrimination by association	Discrimination by perception	Harassment	Victimisation
Race	Specifying a requirement for a particular race (without a genuine occupational requirement) of an employee within a recruitment process to ensure students are taught by someone of the same race even if the intention is to enhance the learner experience.	Specifying a requirement for UK only qualifications on person specifications.	<i>Does not apply</i>	Excluding a female employee from staff awareness training on race equality because they are engaged to a black man as it is assumed they have a level of race awareness.	Automatically rejecting an applicant because the person is perceived to be of a particular nationality due to the name on the application form	Insulting comments relating to stereotypes on race.	A manager is denied promotional opportunity as they provided evidence against a colleague who made a racist remark.
Religion or belief	Refusing time off or space to demonstrate religious observance for example not making provisions for prayer would amount to direct religious discrimination. Similarly not acknowledging a persons belief as a genuine belief would also amount to direct discrimination.	A strict policy of no headwear within a college would amount to indirect discrimination if adjustments cannot be made for those who cover their heads as part of their religion.	<i>Does not apply</i>	An employee who is subject to harassment by colleagues because they are married to a Jehovah Witness.	A person is not invited to drinks on a Friday after work because they wear a Star of David and are perceived to be Jewish (Friday is the start of the Sabbath for the Jewish faith and starts a few minutes before sunset).	A person's belief or religion is constantly mocked.	A lecturer intends to make a complaint of religious discrimination and are subsequently subject to tougher performance measures because of their complaint.
Sex	Not employing a female into an all male team because they feel it would make the female uncomfortable even if it was well-intentioned.	A single mother is forced to resign from her job as she cannot comply with a new shift pattern. It is accepted as common knowledge that men are far less likely than women to be single parents with childcare responsibilities and that a higher proportion of men than women are able to comply with the new pattern.	<i>Does not apply</i>	A male employee is excluded from a consultation on parental leave because his female partner works at the same college.	Automatically rejecting an applicant because it is perceived that the person is a particular sex by the name on the application.	Comments made about a persons body or clothing caused the effect of violating a person's dignity 'makes a person feel uncomfortable at work.	A woman who complains of equal pay is subsequently not offered any training opportunities.
Sexual orientation	A college allows a man whose female partner is pregnant to take annual leave so he can go to antenatal appointments with her; a similar request is rejected from a woman whose female partner is pregnant.	Inviting 'wives and girlfriends' to a social event for a male dominated team would exclude gay men from bringing their partners.	<i>Does not apply</i>	A man is refused annual leave to attend his daughter's civil partnership.	Denying an opportunity to an employee because they perceive that person to be gay because of their appearance or mannerisms.	Forwarding a chain of emails which include jokes about same sex couples.	A bisexual woman raises a grievance relating to her sexuality; her hours are subsequently reduced.