

# BHASVIC

## EQUALITY, DIVERSITY AND INCLUSIVITY POLICY

**Last Updated: JUNE 2024**

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## EQUALITY, DIVERSITY AND INCLUSIVITY POLICY including the SINGLE EQUALITY SCHEME 2024-2027

### 1. POLICY STATEMENT

1.1 The college is committed to ensuring that all actual or potential members of the college<sup>1</sup> are provided with equality, fairness and respect, regardless of: age; disability; family responsibility; marital and civil partnership status; race (including colour, nationality and ethnic or national origin); religion or belief; sex, gender including gender re-assignment; sexual orientation; trade union activity; unrelated criminal convictions; other relevant criteria.

1.2 The college has a statutory duty as a public sector provider to have due regard to achieve the objectives set out under section 149 of the Equality Act 2010 to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.3 To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) requires publication of:

- equality objectives, at least every four years
- information to demonstrate their compliance with the public sector equality duty

### 2. POLICY SCOPE

2.1 The purpose of this policy is to establish clear college guidance regarding equality and to establish policy aims, key actions and monitoring arrangements for the college. This policy applies to all actual or potential members of the college plus visitors to the college.

2.2 The Equality, Diversity and Inclusivity Policy (EDI Policy) should be read in conjunction with the college's Single Equality Scheme, below; and Safeguarding Policy which outline how the college will develop, implement, monitor and review its work towards achieving equality respectively for people who have one or more of the nine protected characteristics as defined in the Equality Act 2010 in respect of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

### 3. POLICY AIMS

3.1 The college aims to create and sustain an inclusive work and learning environment which provides equality of opportunity for everyone and the chance to celebrate diversity

3.2 The college will seek to challenge inequality, prejudice and discrimination<sup>2</sup>

3.3 The college embraces diversity in all its aspects, and aims to reflect the composition of the community it serves.

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<sup>1</sup> *'Members of the college', 'membership', or 'members' means governors, staff and students*

<sup>2</sup> *The term 'discrimination' is used in this document to mean less favourable treatment of an individual on any of the grounds listed. Discrimination includes direct and indirect discrimination, perception discrimination and discrimination by association.*

3.4 The college will treat all its members with respect and dignity, and seek to provide an environment free from harassment, discrimination and victimisation. The college will not tolerate any form of discriminatory behaviour against its members, either from other members, or from members of the public.

3.5 In seeking to reflect the composition of the community, the college will ensure that no member of the college or applicant will be disadvantaged, or treated less favourably. Reasonable adjustments will be made to arrangements and premises to ensure access for disabled members of the college or potential members of the college.

3.6 In order to ensure that all members of the college and potential members of the college are treated with equality and fairness at all stages, and that their treatment is based solely on objective criteria, the college will ensure that equality issues and a relevant impact assessment are embedded into all its policies and procedures.

3.7 The college will publish and analyse performance data, linked to protected characteristics, for example via EDIMS and the annual Self-Assessment Review and Action Planning cycle, in order to reduce gaps in attainment, minimise disadvantage and promote inclusion in all areas of the college.

## **4. MAKING THE POLICY WORK**

### **4.1 Leaders & Managers**

4.1.1 The Corporation designates the Principal as having overall responsibility for Equality, Diversity and Inclusion issues.

4.1.2 The college has an Equality, Diversity and Inclusion (EDI) core team, chaired by the Vice Principal (Student Services). This core team meets on a half-termly basis to oversee EDI activity and advise SLT, with representatives from curriculum (Head of Faculty), HR (HR Manager), Student Experience (Events & Enrichment Asst), Marketing & Admissions (Communications Manager), Additional Learning Support (Head of ALS), and Student Guidance (Guidance Manager). A curriculum working group, (chaired by core team Head of Faculty) and SU EDI Officers (via regular meetings with Student Guidance and Student Experience core team members) also feed into the cross-college EDI core team's work.

4.1.3 An EDI link Governor meets with Vice Principal (Student Services) on a termly basis to review EDI related activity at the college and reports on this at Q&C and Corporation meetings.

4.1.4 Managers are responsible for the implementation of this policy, procedures and guidelines with their staff; and visitors to the college. The college is responsible for providing managers with the necessary resources and training. It falls, in particular, on college managers to set the standards and do all they can to ensure that all members of the college and potential members of the college are treated fairly, encouraged to disclose individual needs and are given the support and respect they need to do their jobs and learn. They should:

- Ensure that members of staff are aware of this policy and single equality scheme and that it is referred to when appropriate, in discussions during the induction process and at probation and PDR reviews and at other relevant meetings
- Implement the policy and single equality scheme within their areas of responsibility and provide appropriate awareness and direction on the key issues
- Always seek advice and guidance from members of the EDI Core team or the relevant member of the Senior Leadership Team when in any doubt about the implementation of the policy or single equality scheme
- Ensure that all members of staff are aware of the advice and support available via the EDI Core team and related services such as Additional Learning Support and Student Services (for students) and HR support and counselling service (for staff). (Contact details available on BHASVIC SharePoint).

4.1.5 The Vice Principal (Student Services) will ensure that the Equality, Diversity and Inclusion Self-Assessment Report and Action Plan is compiled annually as part of the EDIMS monitoring and is presented annually to Corporation.

4.1.6 Infringements of the EDI Policy and complaints relating to Equality, Diversity and Inclusion will be dealt with via the Grievance and Disciplinary Policies and Procedures, and the Bullying and Harassment Policy and Procedures [staff] and Student Behaviour Policy and Complaints Policy and Procedures [students and parents/carers]

## 4.2 All Staff

4.2.1 All members of staff are responsible for creating a climate of inclusivity which embraces diversity and inclusion and challenges inequality, prejudice and discrimination.

4.2.2 All members of staff should have an awareness of the EDI Policy, and the college's Single Equality Scheme.

4.2.3 All members of staff will take note of updates to EDI policy and practice as part of annual EDI INSET and/or regular staff meetings.

## 5. Monitoring and Review of Policy and Scheme

5.1 The college undertakes to conduct comprehensive and effective monitoring of all aspects of staffing and the student body in relation to Equality, Diversity and Inclusion.

5.2 After an employment relationship has ended, the college may retain statistics, data about the composition of the workforce, including appraisal and promotion records on an anonymous basis for the purpose of carrying out equality and diversity monitoring, and will also look at reasons for resignation and resignation rates.

5.3 Monitoring and data protection will be undertaken in accordance with best practice recommendations, particularly from the Equality and Human Rights Commission (EHRC) GDPR (General Data Protection Regulations) and Data Protection Act.

5.4 The college undertakes to follow positive action measures allowed by law to rectify disadvantages in employment and other imbalances in college membership revealed by monitoring. Notwithstanding this, the college is committed in regard to its staff and Corporation membership, to appointing the best applicant in every case, irrespective of any characteristic falling within the terms of this policy or single equality scheme.

Positive action, allows the college to:

- provide facilities or services
- meet the special needs of people from particular under-represented groups
- encourage applications from groups that are under-represented in particular areas of work or the curriculum
- in the case of staff, to target job training at particular groups that are under-represented in a particular area of work.

5.5 Positive action strategies are intended to be temporary measures only. They must be kept under regular review, and they cannot be used once the special needs have been met, or if underrepresentation no longer exists. The college will ensure that when using positive action as a strategy, it falls within the law. 'Positive action' will not be taken without first consulting the Chair of the college's Resources Committee.

5.6 The Vice Principal (Student Services) and the college's EDI Core team will advise on matters related to Equality, Diversity and Inclusion and will intervene where necessary to ensure the policy is followed.

*1 'Members of the college', 'membership', or 'members' means governors, staff and students*

*2 The term 'discrimination' is used in this document to mean less favourable treatment of an individual on any of the grounds listed in Section 1.1. Discrimination includes direct and indirect discrimination, perception discrimination and discrimination by association. See Appendix One of the Single Equality Scheme for more information.*

## **BHASVIC Single Equality Scheme 2024– 2027:**

This single scheme covers all protected equality characteristics, extending to age, religion or belief and, where appropriate; financial hardship. As an education provider, BHASVIC has a legal requirement to promote equality of opportunity and avoid discrimination in relation to:

- Age
- Race
- Sex
- Disability
- Sexual orientation
- Gender reassignment
- Religion or belief
- Pregnancy and maternity
- Marriage or civil partnership

In addition, BHASVIC undertakes to promote equality of opportunity and avoid discrimination in relation to:

- Social or economic deprivation
- Gender Identity: BHASVIC supports gender identity as the way a person self-defines their gender. This may match the sex assigned at birth (i.e. man – male, woman – female) or not. We are committed to prevention of transphobia and discrimination towards people identifying as, trans, non-binary or gender questioning.

Our single scheme is based on previous, separate schemes for disability, race and gender. We will be reviewing the priorities in the Single Equality Scheme with the help of users and stakeholders. BHASVIC's Single Equality Scheme is central to our college mission and strategic plan and should be read in conjunction with our EDI policy above, and annual EDIMS & EDI self-assessment report and action plan.

This document will be of interest to BHASVIC staff, students, parents/carers and other stakeholders with a wider interest in BHASVIC's role as an education provider. This document outlines the college's objectives and the ways in which BHASVIC intends to deliver them.

### **1. Mission / Vision / Values**

BHASVIC's mission is to transform lives through learning, to promote a culture of learning that allows all students to achieve above and beyond what they think is possible, and where staff and students are supported, valued and developed as individuals in a safe environment, knowing that their wellbeing is key to our success. Its vision is to be a Contemporary Creative Learning Community. The core values of the college are:

- Learning, because we believe this is always possible;
- Respect and Inclusivity, celebrating that BHASVIC is a safe and diverse place to be;
- Sustainability and Collaboration, working for our common good

### **2. Strategic Aims**

Our work to promote equality and human rights, and to tackle inequalities is integrated into our strategic planning to ensure that staff, students and the wider college community understand their responsibilities. The strategic aims outlined below reflect objectives set in the [Strategic Plan for 2021-2025](#) which can be located on the college website, in the section labelled; 'The College'

Specifically linked to EDI, we aim:

- To roll out a BYOD policy, giving all students access to learning online, and to bridge the digital divide
- Raise aspirations, advance social mobility and widen participation
- To further strengthen our developmental culture built on 'High Challenge, Low Threat' where we strive for the highest possible standards within a spirit of unity and trust
- To complete a feasibility study on diversifying our income within an educational base to expand our adult

evening course offer in response to the FE 'Skills for Jobs' White Paper and as part of our social mobility strategy

- To provide the right balance of resources and care to support successful education and signpost to other specialist providers when appropriate
- To embed the Futures Framework as part of our Careers Strategy: Enrichment, Employability, Equality, Engagement, Experience
- To recruit and retain a high-quality workforce where staff are supported, valued and developed as individuals
- To recognise and celebrate success in all forms regardless of grades, outcomes or choice of destination
- To support students to progress to their chosen destination
- To ensure students develop the skills they need to be independent, lifelong learners with the ability to think for themselves
- To be an inclusive and accepting college where every individual feels part of a community and where we play an active role in our local community to help raise standards and aspirations
- To work with students as co-creators of their own learning - ensuring that it is accessible, supportive, and representative of all, whilst helping to diminish differences in achievement where barriers are evident
- To provide a framework of opportunities to develop the skills and confidence needed for participation, leadership, advocacy and social action, helping to develop student voice and civil society

### **3. The Equality Act 2010**

3.1 The Equality Act 2010 rationalises and builds upon existing equality legislation which provides for a number of general duties. To:

- eliminate unlawful discrimination and harassment
- promote equality of opportunity
- promote good relations between people of different racial groups, men and women, people with and without a disability
- promote positive attitudes towards disabled people even where this may involve treating disabled people more favourably.

3.2 The Equality Act 2010 also introduces the Single Equality Scheme which requires BHASVIC to:

- set equality objectives in relation to the nine protected groups (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual Orientation)
- demonstrate how equality has been considered in college planning, procedures, practices and policy-making
- use procurement procedures to promote equality
- produce and publish an annual EDIMS Self-Assessment Report and Action Plan outlining BHASVIC's aspirations regarding equality, diversity and inclusion
- ensure equality, diversity and inclusion is at the heart of college life and the core of how BHASVIC thinks and behaves.

### **4. Scoping the Single Equality Scheme**

4.1 In drawing up the scheme, BHASVIC has taken account of other public bodies such as the EFSA and Ofsted as well as learners, staff and parents/ carers. The EDI Core team, EDI link Governor and many other college groups, including Senior Leadership Team (SLT), Curriculum and Quality Team (CQT), Student Support Experience & Guidance (SSELT), Student Union Executive Committee (SU), Joint Union and Management Committee (JUMCoG) and College Business Team (CBT) have had input and oversight of the development of equality objectives since 2010. The scheme has been shaped and is underpinned by the established principles contained in the college's Mission, Vision and Values.

4.2 The College has a range of ongoing strategies which intersect with EDI objectives and support the Single Equality Scheme, for example:

- Social Mobility strategy ('Closing the Gap' in attainment for those from low income backgrounds)
- Anti-Racism strategy (including De-colonising the Curriculum, diversifying recruitment to the Corporation board, maintaining College of Sanctuary status)
- Sustainability strategy (including recognition of the UN sustainability goals)
- Gender Pay monitoring

## 5. Delivering, Monitoring, Reviewing and Reporting on the Single Equality Scheme

5.1 Delivering, monitoring, reviewing and reporting on the scheme follows exactly the same procedures as outlined in the main EDI policy, above. (Please refer to sections 4 and 5 of the EDI Policy: Making the Policy Work and Monitoring and Review)

## 6. Equality Impact Assessment

6.1 The EDI Core team meets once every half term to review BHASVIC's policies and equality, diversity and inclusion issues arising from different areas of the college. Staff and students are invited to raise questions and review EDI college practices, policies and procedures through the BHASVIC EDI Core team. Parents/ carers are invited to share any comments on discrimination issues e.g. harassment / bullying (as outlined in the Bullying and Harassment policy) by contacting a student's tutor or by contacting the college via the website.

6.2 Standard Equality Impact reviews of college policies are being undertaken through structured equality impact assessments (EIA) as they come up for renewal. Wider reaching equality reviews are also embedded in regular updates of relevant policies and procedures; for example, the Recruitment Policy, Safeguarding Policy and SEND Policy.

## 7. Communication

- The scheme and the college's EDI policy will be communicated in the following ways:

### 7.1 To the public (including learners, work placement providers and staff):

- Our commitment to the scheme will be highlighted in our prospectus, on our website and annual Self-Assessment and EDIMS Report
- A summary of the results of our monitoring information (EDIMS) will be included in our annual self-assessment report where this does not breach individual confidentiality.

### 7.2 To learners:

- All learners will have access to the EDI policy and Single Equality Scheme via the college's website. The induction programme for learners will highlight the college's commitment to Equality, Diversity and Inclusivity; the action to be taken by learners who suffer discrimination and the action to be taken against such perpetrators of discrimination
- Tutors will reinforce this information during one-to-one tutorials, and as part of the ongoing tutorial programme.

### 7.3 To work experience providers:

- All work placement providers will have access to the college's EDI policy and Single Equality Scheme via the college's website and will signify their understanding of, and agreement to, these responsibilities as part of the work experience placement process.

**7.4 To staff:** All staff will have access to the EDI policy and Single Equality Scheme via the college's website and as part of the Staff Intranet

## 8. Equality Objectives and Actions 2024-2027

The College is committed to the following Single Equality Scheme Objectives and Actions over the next 3 years:

1. Celebrate equality, diversity and inclusion, fostering a culture of mutual respect and belonging
2. Enhance and promote accessibility for all in both physical and digital environments
3. Increase representation, engagement and participation for under-represented groups
4. Maintain staff awareness, understanding and confidence in supporting equality objectives

To be monitored annually via EDIMS report and action plan and revised in 2027.

# BHASVIC Single Equality Scheme Objectives 2024-2027

This Action Plan is for 3 years 2024-2027. All key objectives to be monitored annually, by Corporation and EDI Core team through the EDIMS Report and Action Plan.

A range of distributed actions linked to EDI will also be embedded in other departmental Self-Assessment Reports & Action Plans (SARAPS) and the College SAR.

OBJECTIVE	ACTIONS	LEADER (S)	PERFORMANCE INDICATOR
<p><b>1. Celebrate equality, diversity and inclusion, fostering a culture of mutual respect and belonging</b></p>	<p>Create an inclusive college environment where mutual respect prevails among different groups</p> <ul style="list-style-type: none"> <li>• Organise events and displays throughout the academic year that celebrate equality, diversity and inclusion (eg. Culture day – students; EDI INSET day – staff)</li> <li>• Focus on belonging as part of staff and student induction (eg. Core values of the College Contract).</li> <li>• Continue to develop profile as College of Sanctuary, putting ESOL at the heart of college and collaborating across the city on provision for refugees, asylum seekers and other disadvantaged groups</li> <li>• Promote and facilitate diverse student societies (eg. FemSoc, Islamic Society, Hypatia Soc, LGBTQ+ soc etc.) and staff support groups (eg. Menopause group)</li> </ul>	<p>SLT / EDI Link Governor</p> <p>All staff</p> <p>Tutors / Teachers / Managers</p> <p>ESOL/SLT</p> <p>Student Union / HR</p>	<ul style="list-style-type: none"> <li>• Staff surveys – improving metrics on EDI focused questions linked to community &amp; belonging</li> <li>• Student surveys – improving metrics on EDI focused questions linked to community &amp; belonging</li> <li>• Parent/Carers and wider stakeholder surveys (eg. link employers/Governors) - improving metrics on EDI focused questions linked to community &amp; belonging</li> <li>• Maintain College of Sanctuary award</li> <li>• SAWFE &amp; internal reporting metrics – minimal or no EDI bullying, harassment, hate crimes below sector / local averages</li> </ul>
<p><b>2. Enhance and promote accessibility for all in both physical and digital environments</b></p>	<p>Improve physical and digital accessibility across the college.</p> <ul style="list-style-type: none"> <li>• Maintain and review regular accessibility audits (at least annually) of the college premises and digital platforms, including external marketing, websites etc.</li> <li>• Implement necessary changes based on the audit findings.</li> <li>• Staff training on accessibility issues and removing barriers by making reasonable adjustments</li> </ul>	<p>SLT/ EDI Link Governor</p> <p>Estates/HR/ALS</p> <p>IT/CIS/Marketing</p> <p>All staff/HR /ALS</p>	<ul style="list-style-type: none"> <li>• Completion of accessibility audits and implementation of recommendations.</li> <li>• Positive feedback from students, staff and external stakeholders on improved accessibility.</li> <li>• Positive staff INSET evaluations</li> </ul>



<p><b>3. Increase representation, engagement and participation for under-represented groups</b></p>	<p>Increase representation of underrepresented groups in different areas of college activity and leadership roles (staff and students)</p> <ul style="list-style-type: none"> <li>• Continue to use EDIMS report annually to scrutinise representation of those with protected characteristics across different areas of college activity (eg. SU Executive, manager groups, subject choice, Corporation etc.)</li> <li>• Use data to inform actions eg. a targeted recruitment strategy to attract diverse candidates, as appropriate.</li> <li>• Provide leadership training and mentorship opportunities for staff from underrepresented groups (eg. women's leadership network, designated persons of colour).</li> <li>• Work with Student Union EDI Officers to form 'student voice' sub-groups to advise on college activity</li> <li>• Maintain and develop staff support groups / colleague networks (eg. EDI working party, menopause group) and connect with local support (eg. Brighton &amp; Hove educators of colour)</li> </ul>	<p>SLT/ EDI Link Governor</p> <p>EDI Core team</p> <p>HR/Admissions &amp; Marketing</p> <p>SLT</p> <p>SU / EDI core team</p> <p>HR/ EDI core team</p>	<ul style="list-style-type: none"> <li>• EDIMS data to show improving trends in diversity and representation, relative to local census or other sector comparisons</li> <li>• Maintain and improve the diversity of staff and students with protected characteristics in key targeted roles (eg..</li> <li>• Positive feedback from staff and students on diversity and inclusion initiatives and networks.</li> </ul>
<p><b>4. Maintain and develop staff awareness, understanding and confidence in supporting equality objectives</b></p>	<p>Enhance staff confidence in handling EDI-related matters</p> <ul style="list-style-type: none"> <li>• All staff training (eg. annual EDI INSET day to support linked cross-college strategies: social mobility, anti-racism, sustainability, neurodiversity etc.)</li> <li>• Targeted training for frontline support staff (eg. catering, reception, student services) on supporting members of the community with protected characteristics and unconscious bias</li> <li>• Curriculum SARAP discussions and targeted actions to embed EDI strategies effectively and maintain an inclusive curriculum</li> <li>• Continued training on inclusive teaching &amp; learning, leadership &amp; management practices</li> </ul>	<p>SLT/ EDI Link Governor</p> <p>All staff</p> <p>Support staff</p> <p>Teachers / Tutors</p> <p>College managers / HR</p>	<ul style="list-style-type: none"> <li>• Positive staff INSET evaluations</li> <li>• Student feedback / learner voice focus groups are positive about staff knowledge and understanding of EDI and inclusive practice (eg. SAWFE – above local sector averages)</li> <li>• Annual EDI audit of SARAPs shows embedding of EDI strategies</li> </ul>

## 9. Related Policy Documents

- Bullying and Harrassment Policy
- Complaints Policy and Guidelines
- Data Protection Policy
- Disciplinary (Misconduct and Capability) Policy and Procedures
- Flexible Working Policy and Procedures
- Equalities Act 2010
- Grievance Policy and Procedures
- Instrument and articles of government
- PDR Policy
- Procedures for staff to request a change to their Contract or unpaid leave of absence
- Rights of Individuals Policy
- Safeguarding and Child Protection Policy
- SEND Policy
- Staff Code of Conduct and Model of Professional Behaviour
- Student Behaviour Policy
- Whistle Blowing Policy and Procedures
- Student Financial Support Policy
- EDI Leaflet

## 10. Contacts/ Resources

- EDI Core team: [edi@bhasvic.ac.uk](mailto:edi@bhasvic.ac.uk)
- SU EDI Officers and Student EDI related Societies: [studentunion@bhasvic.ac.uk](mailto:studentunion@bhasvic.ac.uk)
- HR: [hr@bhasvic.ac.uk](mailto:hr@bhasvic.ac.uk)

## Appendix One

### Types of Discrimination

**Direct discrimination** Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (age, disability, gender, race, religion or belief, sexual orientation and gender reassignment) they have or are thought to have (see perceptive discrimination below).

**Associative discrimination** Applies to age, disability, gender, race, religion or belief, sexual orientation and gender reassignment. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. It applies even if the person does not actually possess that characteristic.

**Indirect discrimination** is when: there is a policy, practice or rule which applies to everybody in the same way, but it places people who share a protected characteristic at a disadvantage. The organisation or person applying the policy, practice or rule cannot show there is a good enough reason for it (this is known as a proportionate means of achieving a 'legitimate aim'.) Indirect discrimination can be justified if it can be shown that the organisation acted reasonably, i.e., that it is a proportionate means of achieving a legitimate aim. If the 'legitimate aim' is solely with the aim of reducing costs, it is unlikely on its own to meet the test of being reasonable and proportionate.

**Failure to make reasonable adjustments** This occurs when an establishment fails to consider whether reasonable adjustments can be made to allow someone with a disability to use services/facilities or undertake employment.

**Harassment** occurs when someone engages in unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment and where such conduct could reasonably be considered as having that effect. Harassment is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient if it is reasonable in the circumstances to consider that the conduct in question constitutes harassment. As a result, it is possible that behaviour that is acceptable to some members of the community will cause embarrassment, distress or anxiety to others. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Members of the community will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Members of the community are also protected from harassment because of perception and association. Unlawful discrimination on the grounds of the equality protected characteristics will not be tolerated in any form.

Harassment can take many forms, which may include, but is not limited to:

- Unnecessary or unwanted physical conduct ranging from touching to serious sexual or physical assault;
- Verbal conduct such as sexist, racist or homophobic comments or innuendo, derogatory remarks about protected characteristics, comments of a personal nature, suggestive remarks, inappropriate jokes or language;
- Display, storage or circulation of offensive material (including information held on computer).

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs once it has been made clear by the victim that they consider it offensive. A single incident may constitute harassment, however, if it is sufficiently serious.

**Victimisation** occurs when a member of the community is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A person is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Bullying** is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient (even if it is not directed at that individual); provided that it is reasonable in the circumstances to consider that the conduct in question constitutes bullying. As a result, it is possible that behaviour that is acceptable to some members of the community will cause embarrassment, distress or anxiety to others. It is usually persistent, offensive, abusive, intimidating, malicious or insulting behaviour or unfair use of sanctions by one person towards another, which has the purpose, or effect, of intimidating, belittling or humiliating the recipient, leading to a loss of self-esteem. Bullying is recognised as a serious management issue and is often unreported. People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it. Examples of bullying may include, but are not limited to:

- Persistent unnecessary criticism;
- shouting at colleagues in public or private;
- deliberate isolation by ignoring or excluding a person;
- withholding information or removing areas of responsibility without justification;
- spreading malicious rumours or making inappropriate personal comments;
- undermining a person's self-respect by condescending or threatening treatment that humiliates or intimidates the individual;
- cyber bullying (e.g., by email, text or through social networking sites);
- picking on one person when there is a common problem;
- setting unrealistic targets or excessive workloads; setting an individual up to fail (e.g., by giving inadequate instructions or unreasonable deadlines)

**Sexual Misconduct** relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2020)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: sexual harassment and the law, 2017)

- Intimidation or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015) These definitions include harassment and sexual misconduct through any medium, including for example, online.

**Microaggressions:** are defined as the everyday, subtle, intentional or unintentional statements, actions or behaviours that communicate some sort of bias toward historically marginalized groups. It is a form of discrimination which can be intentional or accidental. An example of a micro aggression would be repeatedly forgetting or mis-pronouncing the name of someone from another culture, or a member of the community following a person of colour presuming that they are going to cause damage or steal.

## **Appendix Two**

### **The Protected Characteristics: Key Points**

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

### **Age**

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

### **Disability**

The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have 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.

As before, the Act puts a duty on an employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively).

The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

Additionally, indirect discrimination now covers people with disabilities. This means that a job applicant or employee could claim that a particular rule or requirement that the employer has in place disadvantages people with the same disability. Unless the employer could justify this, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

### **Gender reassignment**

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat 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.

### **Marriage and civil partnership**

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

### **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. Protected against discrimination on the grounds of pregnancy and maternity is afforded during the period of pregnancy and any statutory maternity leave to which the employee is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must not consider an employee's period of absence due to pregnancy-related illness when deciding about the employee's employment.

### **Race**

For the purposes of the Act 'race' includes colour, nationality (including citizenship) and ethnic or national origins.

### **Religion or belief**

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words, employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

### **Sex**

Both men and women are protected under the Act.

### **Sexual orientation**

The Act defines Sexual orientation as meaning a person's sexual orientation towards—persons of the same sex, persons of the opposite sex, or persons of either sex. So, the Act provides protection whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. For example, the Act protects people identifying as; bisexual, pansexual, gay, lesbian, and heterosexual.