



Equal Opportunities & Diversity Policy

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Final

Author:

Director

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Impact Assessment Completed

Yes

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Equality Impact Assessment Form

The completion of the Equality Impact Assessment (EIA) will help us to ensure that our policies, procedures and practices do not discriminate or disadvantage people and also improve or promote equality.

In relation to: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

1. Please explain if you identified any inequalities or possible discrimination in the policy, procedure or practice?

No negative impact on any of the equality strands identified in the procedure.

2. If identified, how have you changed the policy, procedure or practice to remove or mitigate the inequality or discrimination?

Not Applicable

3. Any follow up actions required?

Not Applicable

1. Introduction

Swarthmore values diversity and is committed to promoting equal opportunities for all who work and study at Swarthmore and are involved in or benefit from the delivery of Swarthmore services.

This policy outlines Swarthmore's commitments to equality and diversity with the intention to respond to the spirit of relevant legislation as well as our legal duties. To this end, Swarthmore operates under the principles of equal opportunity and will not tolerate any form of behaviour or activity that discriminates without proper justification because of a protected characteristic as defined by the Equality Act 2010 – see Appendix 1.

Swarthmore recognises its role within the charitable and adult learning sector, which serves and draws on the talents and skills of a diverse population. Swarthmore seeks to employ a workforce, Trustee Board and student body which reflects this diversity, because we value the individual contributions of all people, and we are committed to drawing on the different perspectives and experiences of individuals who will add value to the way we operate.

2. Policy Statement

Swarthmore is committed to providing equal opportunities and embracing diversity not only in its employment and student policies but in the execution of all its functions and services and to the development of equality and diversity. A genuine commitment requires participation by managers, trustees, staff and volunteers. Therefore all employees, trustees and volunteers Swarthmore should recognise and accept their personal responsibility to implement this policy in all aspects of their work.

Swarthmore will treat all employees, volunteers, trustees and students with dignity and respect and provide an environment free from unlawful discrimination, harassment or victimisation. No one will knowingly be disadvantaged or treated less favourably because of conditions or requirements that cannot be justified.

Swarthmore is committed to the following principles:

- Ensuring there is no unlawful discrimination in our employment practices or provision of services because of a protected characteristic – namely a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity leave, race, religion or belief, sex or sexual orientation.
- Appointing, training, developing and promoting employees on the basis of merit and ability.
- Implementing this policy forms an integral part of the responsibilities of all who work at Swarthmore and our employees are expected to fulfill their personal responsibility for applying this policy in practice.
- Specific accountability for the practical application of this policy applies to management and staff involved in the recruitment, selection, promotion, training and day-to-day management of employees as well as those who deal directly with our students and customers.
- Swarthmore's grievance procedure is available to any employee who believes that he/she may have been unfairly discriminated against. Swarthmore students and customers have access to the company complaints procedure.
- Disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination. Both discriminating conduct and harassment will be treated as gross misconduct.
- In the case of any doubt or concern about the application of this policy in any particular instance guidance should be sought from the Director.
- Swarthmore undertakes not to discriminate unlawfully on the grounds of trade union membership and activity, political beliefs and unspent criminal convictions.

Where relevant we will evaluate the impact of our policies, procedures and practices on people who share a protected characteristic to identify any actual or potential adverse impacts so that appropriate action can be taken to eradicate discrimination and inequality in our work environment and in our delivery of services.

Swarthmore aims to make the principles of this policy a part of everyday working practice by:

- Training our employees to understand their responsibilities under this policy

- Making reasonable adjustments to our working practices, our buildings, our services and our publicly available information so that Swarthmore and its services are inclusive and accessible to all.
- Communicating this policy to relevant suppliers and contractors with a view to ensuring they act in accordance with it in their work for and on behalf of Swarthmore.

3. Managing Diversity

Swarthmore is committed to creating a culture within which difference is actively valued and where it is recognised that people from different backgrounds and experiences can bring valuable insights to the workplace, enhancing the way we work. Swarthmore aims to be an inclusive organisation where diversity is valued and respected so that it is able to recruit and retain a diverse workforce and student body that reflects the communities it serves.

To this end, Swarthmore will:

- Undertake to improve the diversity of its workforce and student body by adopting employment and recruitment practices that recognise diversity and the need for a flexible approach. This may include, where appropriate, positive action which serves to support this objective; or making reasonable adjustments in the workplace to enable access to employment or progression opportunities.
- Ensure the organisation's policies, procedures and practices are compliant with relevant legislation and adhere to the spirit of this policy. This may include, where appropriate, carrying out assessments of the impact of relevant policies, procedures and practices on people who share a protected characteristic as described above.
- Seek to create a working environment that recognises the diverse make-up of its employees, volunteers, trustees, students and customers with procedures in place to create a framework of assistance. For example, to manage a situation where a person becomes disabled, whether through accident, illness or injury, and reasonable adjustments can be made to enable the person to continue to work / study .

4. Responsibilities

The Swarthmore Council has overall strategic responsibility for ensuring the organisation fulfills its commitments within this policy. To this end, the Council will:

- Set the tone, standards and expectations of leaders, managers and staff across Swarthmore by leading by example to influence the culture of the organisation, modelling the commitments and behaviour required to bring this policy to life.
- Ensure that the organisation is meeting its legal duties with regard to relevant legislation.
- Ensure that the commitments within this policy are being actively pursued with appropriate monitoring to review whether this policy is working effectively.

- Annually review the organisation's approach to providing equal opportunities and embracing diversity and provide strategic direction in the consideration of changes or improvements to relevant policies and procedures.

The Director and managers with overall accountability for departmental functions and activities within the organisation have management responsibility for the practical application of this policy. To this end, leaders and managers are expected to:

- Role model behaviour that contributes to creating a positive, inclusive working environment that embraces diversity and challenges discrimination;
- Incorporate the principles of this policy in the day-to-day management of people and operations;
- Monitor and review all relevant departmental functions to ensure this policy is being implemented; and
- Ensure Swarthmore publicity materials present appropriate, positive and non-stereotypical messages about people with a protected characteristic.

All staff are responsible for ensuring that:

- they are aware of this policy and participate in related training activities and updates;
- they challenge (or report) discriminatory behaviour, whether intentional or unintentional; and they respond positively to the particular needs of people with a protected characteristic who they come into contact with during the course of their work.

All teaching staff are responsible for ensuring that:

- they promote equality and diversity in the classroom with and between learners;
- they “Value and promote social and cultural diversity, equality of opportunity and inclusion.” (ETF standard 5);
- they “Plan and deliver effective learning programmes for diverse groups or individuals in a safe and inclusive environment.” (ETF standard 14)

5. Implementation and Procedure

To effectively implement this policy, Swarthmore will take steps to ensure that:

- All employees (and any contractors acting on behalf of Swarthmore) are appropriately informed about this policy and their responsibilities to act in accordance with it.
- Appropriate policies, procedures and systems are in place to avoid unlawful discrimination against job applicants, employees, volunteers, students or customers.
- Any employment or service requirements or conditions will be reasonable, justifiable and lawful.
- All relevant policies, procedures and practices will be reviewed regularly to assess their impact on people with a protected characteristic and to ensure that they are, and remain, non-discriminatory.
- All employees will receive appropriate training during induction and at other appropriate times during their employment to ensure awareness of this policy and diversity generally. This may also include training in equality and diversity

in the recruitment and selection process and the performance management process.

- Requests for specific needs related to a protected characteristic will be carefully considered.
- Where possible reasonable adjustments will be made in the workplace or in respect of access to our services to support people with disabilities.

- Data on under-represented groups within the workforce will be recorded and reported to the Board and senior management team to ensure that the makeup of the workforce and student body is monitored and remedial actions identified.
- A diverse organisation is promoted and celebrated through our policies and how we operate.

Appendix 1: Definitions and Legislation

1.1 Protected Characteristics

This policy covers all the protected characteristics contained in the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To aid understanding each of each protected characteristic, more detailed definitions are provided below.

- **Age** is defined by reference to a person of a particular age group or a person who shares a particular age group. An 'age group' is a group of persons defined by reference to age, whether to a particular age or a range of ages.
- **Disability:** a person is considered to have a disability if they have a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.
- **Gender reassignment:** people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex have the protected characteristic of gender reassignment. This includes a reference to a transsexual person. Gender reassignment is a personal process, that is, moving away from one's birth gender towards the preferred gender; it is not necessarily a medical process and may not involve medical supervision. It should be noted that gender reassignment is unrelated to sex and sexual orientation, which are separate protected characteristics described below.
- **Marriage and civil partnership** covers people who are married or in a civil partnership. Marriage will cover any formal union which is legally recognised as marriage.
- **Pregnancy and maternity:** a woman who is pregnant is protected against unfavourable treatment because of her pregnancy or a related illness, or because she is on maternity leave or seeking to take maternity leave.
- **Race:** is defined as a person's colour, nationality or ethnic or national origin.
- **Religion or belief** covers any religion or philosophical belief, or a lack of religion or belief. A 'philosophical belief' is not an opinion or a viewpoint based on a present state of information; it is a belief that is genuinely held as to a substantial aspect of human life and behaviour that must attain a certain level of cogency, seriousness, cohesion and importance, be worthy of respect in a democratic society and not be incompatible with human dignity or in conflict with the fundamental rights of others.
- **Sex:** refers to a male or female person.

Sexual orientation means a person's orientation towards people of the same sex (i.e. a gay man or a lesbian); people of the opposite sex (i.e. a heterosexual person); or people of both sexes (i.e. a bisexual person).

- **1.2 Terminology**
- **Equal Opportunities:** is a descriptive term for an approach intended to provide an environment in which people are not excluded from the activities of the organisation, such as employment, training and development, corporate activities, and services to members, on the basis of a protected characteristic (see below).
- **Equality:** can be described as eliminating discrimination and ensuring equal opportunity and access for all regardless of a protected characteristic. This relates both to employment and to the provision of services; the basis of which is supported and protected by legislation (see below).
- **Diversity:** can be described as celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contribution, which is beneficial not only for the individual but for the success of Swarthmore.
- **Equality and Diversity:** are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed.
- **Direct discrimination** is unlawful and occurs when a person is treated less favourably than another because of a protected characteristic. Direct discrimination is generally unlawful. However, it may be lawful in limited and specific circumstances, such as where there is a genuine occupational requirement to recruit from a particular group to a vacancy. Guidance on this must be obtained from the HR advisor.
- **Indirect discrimination** is unlawful and generally occurs when a provision, criterion or practice which is applied equally to everyone puts people sharing a protected characteristic at a particular disadvantage, unless it can be objectively justified.

1.3 Relevant Legislation

- Swarthmore accepts its obligations determined by the:
- Equality Act 2010
- Civil Partnership Act 2004
- Rehabilitation of Offenders Act 1974
- The Protection from Harassment Act 1997
- Human Rights Act 1998
- Gender Recognition Act 2004