



EQUALITY AND DIVERSITY PROCESS AND GUIDANCE

College Process No **PTSP06**

Approved by **Vice Principal (Student
Services & Operations)**

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1 GENERAL PRINCIPLES

The [Policy on equality and diversity](#), and these procedures and guidance have been agreed following consultation with College trade union representatives and the Students' Association and will not be amended without further consultation taking place.

The procedures and approaches detailed below are designed to ensure that the College meets in full its requirements under the terms of the 2010 Equality Act as a service provider. These approaches are designed to ensure that equality of provision is fully embedded within the practice and approach adopted by all staff in delivering the services offered by the College.

The College will actively monitor the effectiveness of the operation of its equality and diversity policy, and will review and report on this through the Equality Strategy Group to the Board of Management. Through this, the College will ensure that it meets in full the general and specific duties placed on it under the relevant statute.

2 PROTECTED CHARACTERISTICS

The 9 “protected characteristics” outlined within the Equality Act 2010 define the characteristics upon which it is illegal to discriminate and in respect of which the College should regularly review its services to ensure that it:

- eliminates discrimination, harassment and victimisation;
- advances equality of opportunity; and
- promotes good relations between those with characteristics protected under the legislation and those who do not.

The 9 Protected Characteristics are: Race; Sex; Age; Disability; Marital and Civil Partnership status; Religion and Belief; Sexual Orientation; Gender Reassignment; and Pregnancy/Maternity.

The following procedures and guidance relate equally to all of these characteristics.

3 RESPONSIBILITIES

The following individual members and teams of staff have been identified as having particular responsibilities in ensuring equality of opportunity in respect of the roles they hold and the tasks that they undertake in delivering the range of services on offer from the College.

3.1 Board of Management and Principal

As the legal employer for all staff, and with statutory responsibility for all College services and activities, the Board of Management holds ultimate responsibility for ensuring that the College complies with all statutory equality and diversity obligations and requirements.

The Board of Management, through the Principal, is responsible for ensuring that good practice in respect of the management, monitoring, reporting and promotion of equality and diversity is achieved.

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3.2 Equality and Diversity Strategy Group

The Equality and Diversity Strategy Group is a standing College committee with responsibility for advising and recommending actions relating to the overall development, application and assessment of equality and diversity activities. This group is chaired by the Vice Principal People and Performance and draws membership from across the College, including the student body.

Copies of the minutes of the Equality and Diversity Strategy group are published on the staff portal and are presented to each meeting of the Board of Management Human Resources and Development Committee to ensure that the Board of Management is fully informed of developments taking place and issues that may arise.

The Equality and Diversity Strategy Group will hold responsibility for the development and publication of required equalities mainstreaming reports and will be responsible for the development and publishing of data on an annual basis in respect of: Race; Sex; Age; Disability; Marital and Civil Partnership status; Religion and Belief; Sexual Orientation; Gender Reassignment; and Pregnancy/Maternity in relation to students, staff and course applicants.

3.3 The People Team

The HR Manager or in their absence the Vice Principal People and Performance, supported by the People Team is responsible for implementing and monitoring equal opportunities arrangements in respect of employment and line management arrangements and activities. Detail of these responsibilities is outlined within the Equality and Diversity Process (staff). The Organisational Development team will be responsible for ensuring that appropriate CPD opportunities are made available to all staff in respect of equality and diversity policy and practice.

3.4 The Student Services Team

The Student Services Manager is responsible for advising on and monitoring equal opportunities arrangements for all students, course applicants and others using or seeking to use College services.

The Student Services Manager shall ensure that policy requirements relating to service provision for students are communicated to relevant staff and will ensure that staff receive appropriate guidance and support on the practical operation of inclusiveness, equal opportunities and diversity awareness in relation to student related matters on a day-to-day basis.

3.5 The Quality Team

Any student or member of staff who is aware of, or believes that, equality of opportunity for an individual or group is being impaired, directly or indirectly by any aspect of College activity (or by any student or member of staff) should raise this concern with the appropriate senior member of staff within the area in question, eg Course Leader, Line Manager for investigation and resolution.

Student or customer concerns or complaints in respect of equalities matters may also be raised formally through the College complaints procedure. The Quality Team will be responsible for managing the investigation of alleged breaches of the Policy, for monitoring the outcomes of complaints and for identifying and bringing forward appropriate improvement actions.

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3.6 The Marketing Team

The Marketing Team Leader is responsible for ensuring that all promotional materials are developed in line with good equalities practice, and are advertised through sources which are likely to be read by all applicants who could reasonably be expected to benefit from a given service or to complete successfully a given course.

The Marketing Team Leader is responsible for the development and use of non-discriminatory marketing and publicity materials and activities, and for the development and use of materials that promote and reinforce equality and diversity e.g. in terms of language, images and illustrations used.

The Marketing Team Leader is responsible for ensuring that marketing materials are available in appropriate formats to ensure that these can reasonably be accessed by different ethnic groups and those with disabilities.

3.7 Teaching Staff

All teaching staff are responsible for ensuring that the terms of the Equality and Diversity Policy are implemented in relation to the provision of learning, teaching and related activities. This responsibility covers all aspects of the learning and teaching role, including (but not exclusively) the development of the curriculum and curricular materials, course delivery, assessment, group tutor duties, individual student progression, the provision of guidance and student support, student recruitment and induction, and course/quality reviews.

3.8 Administration Team

The Administration Manager is responsible for ensuring that all student admissions and recruitment arrangements and activities are free from bias and are undertaken in accordance with good equal opportunities practice. To support this, equitable student entry criteria is available for all College courses and is used as a reference in the recruitment and selection of students. Referral systems and procedures for course applicants who are not successful in their first choice of course are implemented

All student funding staff are responsible for ensuring that funding decisions and disbursements are made in an inclusive, fair, equitable and non-discriminatory manner in accordance with stipulated funding conditions and policies.

3.9 Estates Team

The Head of Estates is responsible for ensuring that all legislative and planning requirements in respect of the College estates are adhered to, and is responsible for monitoring access to College facilities on an on-going basis and identifying and bringing forward appropriate improvement actions as part of the College Estates Strategy.

The Estates Team is responsible for ensuring that issues of access, security and personal safety are taken into account in respect of all estates developments.

The Estates Team is responsible for ensuring that all contractors working within College premises are aware of, and adhere to, the requirements of the Equality and Diversity policy. Contractors who fail to meet these standards will be removed from the approved contractors list.

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3.10 All Staff

In addition to the above requirements, all staff have a responsibility to adhere to the requirements and guidelines of the [Equality and Diversity Policy](#) and related procedures and to ensure that due care is taken to avoid discrimination and to promote equality in respect of the services and activities they are responsible for.

As an integral part of this responsibility, all staff are required to avoid discrimination, and to promote good relations in respect of the full range of protected characteristics. All staff are responsible for supporting, promoting and encouraging the positive involvement and integration of all students, staff and others within the College environment.

All staff have a responsibility to notify their line manager, or other senior member of staff of any actual or suspected breach of the policy and have a particular responsibility to identify and tackle any equalities issues, incidents or concerns and to positively promote equality and good relations in day-to-day activities. This responsibility covers staff to student relations, but is also of equal importance in respect of student to student relations and student to staff relations.

3.11 All Students

All students, contractors, and other visitors within the College have a responsibility to adhere to the requirements and guidelines of the Equality and Diversity Policy and related procedures.

No limits are placed on this responsibility and all students and others are responsible for ensuring the avoidance of discrimination and for promoting and supporting the positive and socially/culturally diverse ethos of the College.

3.12 Placement and Volunteering Providers

The College operates an approval process for all organisations providing work placement and volunteering opportunities for College students or staff. In considering inclusion as an approved placement provider, the College will assure itself that the organisation demonstrates a positive and aware approach to equalities issues and requirements.

Any organisation operating as an approved placement provider which is found to be in breach of the requirements or ethos of the Equality and Diversity Policy will have their approved status rescinded.

3.13 Procurement

The College operates an approved supplier system in respect of all major procurement exercises and purchases in conjunction with the national arrangements operated by APUC. Within these arrangements system suppliers are vetted in respect of quality of provision, service and cost. Within these arrangements due cognisance will be taken of equality and diversity requirements.

Any organisation operating as an approved supplier which is found to be in breach of the requirements of the [Equality and Diversity Policy](#) will have their approved status rescinded.

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4 PROMOTING EQUALITY AND DIVERSITY

All staff within the College have a duty and responsibility to promote inclusiveness, equality of opportunity and diversity. In fulfilling these responsibilities, all staff are required to:

- adopt a positive attitude towards equality and diversity issues and review, and where appropriate amend their attitudes and behaviour in relation to these;
- actively consider how inclusive practice may be promoted by their team to ensure equality of opportunity for staff, students and applicants with different protected characteristics;
- consider, when involved in the recruitment, selection, supervision, guidance, teaching or training of others, only what is relevant to the requirements of the course, post, team or College;
- consider the abilities of an applicant, student or member of staff, rather than his/her disabilities or background. Staff should not make assumptions about the skills, abilities or requirements of applicants, students or staff on the basis of any protected characteristic;
- adopt a flexible attitude to the requirements of any course or service. Line managers should always consider alternative forms of arranging work, consider using different or modified equipment or consider amending tasks to enable a disabled applicant, student or member of staff to take up or continue in education or employment.

Advice and financial assistance to purchase special or modified equipment may be available in these circumstances;

- remember that significant statutory provisions are available to all individuals to ensure that equal opportunities are adhered to and to ensure that discrimination does not take place in respect of employment or the provision of goods, services and activities. The penalties for breach of these statutory provisions can be significant; and
- consider and understand equalities requirements, issues and approaches to avoid discrimination. Further information in respect of the definition and explanation of discriminatory and potential discriminatory practice is detailed in appendix 1.

5 SANCTIONS

If, following initial investigation, any complaint relating to a breach of the requirements of the Equality and Diversity Policy may be dealt with under the terms of the Staff Discipline or Grievance Policy, or the Student Behaviour Management Policy or Complaints Procedure.

Deliberate, persistent and/or serious breaches of the policy may constitute acts of serious or gross misconduct that may result in dismissal/exclusion.

An investigation may highlight aspects of College provision, practice or policy that unjustifiably limits or restricts the operation or promotion of inclusiveness, equality or diversity. Where this arises, appropriate remedial action will be taken, supported by the appropriate member of the Executive Team and other staff as appropriate, to ensure that improved practices are effectively developed and implemented.

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6 IMPLEMENTATION

To ensure the effective implementation of the Equality and Diversity Policy the following steps will be undertaken.

- All staff and students will be provided with access to the Policy and Procedures through the portal.
- The College's commitment to equality and diversity will be specified within all College prospectus marketing materials and all programme and post application forms.
- The routine review and updating of College documentation, policies, procedures and written communications will ensure that the operation and language of these remain non-discriminatory.
- Regular training, support and guidance will be provided to all staff on the operation of the Policy on a day-to-day basis. Additional training will also be directed to staff involved in activities such as: line management; the provision of learning and teaching; the recruitment and selection of staff and students; staff training and development; reception of staff or students; staff/student discipline; staff grievance, and customer complaints.
- All areas of College policy will undertake a rolling process of impact assessment to ensure that these policies meet the requirements of the Equality Act 2010 and College [Equality and Diversity policy](#).
- The College will publish information on the outcomes and impact of equalities activities and service provision in line with the specific duties required of public bodies in Scotland.
- Access and safety facilities within the College will be reviewed and improved for those with disabilities.

These steps will be undertaken by the appropriate managers, with support from the appropriate members of the Executive as appropriate.

7 REVIEW

In common with all other College policies, the operation of [the Equality and Diversity Policy](#) will be evaluated as part of management review activities.

This management review approach includes a mechanism for the regular and systematic assessment of the impact of policies and procedures.

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APPENDIX 1

DEFINITIONS AND ASPECTS OF DISCRIMINATION

1 Direct Discrimination

Direct discrimination will be deemed to have taken place where a member of staff, student or job/course applicant has been treated unequally in relation to another in terms of recruitment, training and development, review outcomes, assessment, progression or other employment or learning related activity either solely or partially on the grounds of one or other of the protected characteristics outlined within the Equality Act 2010.

Direct discrimination may also include discrimination through association with another person with one of the protected characteristics, or discrimination as a result of a perception that the person has one of the protected characteristics.

2 Indirect Discrimination

Indirect discrimination will be deemed to have taken place where a condition or requirement is applied which - although applied equally to all staff, students or job/course applicants - is such that a demonstrably smaller proportion of people with a given protected characteristic can comply with it.

For example, indirect discrimination may result by placing an unjustifiable level of experience requirement on applicants, (which may be sex discrimination against women who have taken a career break to bring up children);

In addition to the definitions of discrimination, consideration should be also given to the undernoted aspects of discrimination in respect of College activities.

3 Victimisation

Unacceptable - and potentially unlawful - discrimination will be deemed to have taken place in any circumstances where victimisation takes place of a person making a complaint under the terms of the Equality and Diversity Policy.

This will include victimisation which occurs after a student or member of staff has left the College - for example by comment made within a job reference.

4 Harassment

The harassment by, or of, any member of the College's staff or student population on any grounds relating to a protected characteristics is unacceptable. Any complaint of harassment made will be fully investigated and will be pursued as appropriate through the terms of the staff or student discipline policy and procedures or staff grievance or customer complaint policy and procedures.

5 Exceptions

Lawful discrimination in relation to some of the above circumstances may take place only in specified circumstances and where the requirement or condition which has been imposed can be justified in relation to the requirements of the post, course etc, (for example in respect of a specific health and safety hazard in relation to the activities undertaken by a person with a disability). Advice on such instances in respect of staffing issues is available from the Vice Principal People and Performance and for student issues from the Student Services Manager.

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Advice and guidance specifically on health and safety requirements is available from the Health and Safety Team.

6 Positive Action

To support the promotion of equality in the provision of student services the College may take positive action in respect of course provision, opportunities, recruitment and other activities.

Examples of positive action may occur in areas such as the development of outreach centres to address rurality or transport difficulties, or the provision of single gender programmes in curricular areas in which one or other gender are underrepresented, or the specific marketing or provision of programmes for underrepresented racial groups.

Positive action in the provision of education and training services in appropriate circumstances is considered as a permitted exception and is supported by the Commission for Equalities and Human Rights. Where positive action activities are undertaken, the College will take care to ensure that these are arranged in accordance with statutory guidelines and are arranged to enhance and not detract from good equal opportunities practice.