

Equal Opportunities Policy

EQUAL OPPORTUNITIES POLICY

1.0 INTRODUCTION

This Equal Opportunities Policy has been developed as a commitment by the Board of Management of the College, its senior management and its members of staff to the development, implementation and application of procedures which do not discriminate and which provide genuine equality of opportunity for all.

2.0 PURPOSE

The purpose of this procedure is to ensure a common policy will be followed in respect of equality of opportunity in employment and service delivery within Motherwell College.

3.0 SCOPE

This procedure applies to all activities and procedures undertaken and adopted by Motherwell College, to ensure equality of opportunity for all. The Board of Management of Motherwell College, as an equal opportunity employer and service provider, appreciates people as individuals, whose differences are recognised and accepted.

Equal opportunities are simply part of the way we operate and must be supported by all.

4.0 EQUAL OPPORTUNITY POLICY

Motherwell College recognises the dignity and worth of every individual and promotes equality of opportunity for all

Motherwell College supports equality of opportunity and is committed to oppose all forms of unlawful or unfair discrimination on grounds of gender, race, colour, nationality, ethnic or national origin, marital status, sexual orientation, gender reassignment, disability, employment status, religion or belief, age, trade union membership or activity and responsibility for dependants.

In accordance with the College's Personal Harassment and Bullying Policy and Procedure the College is committed to



providing an environment free of harassment and bullying ensuring equality of treatment to all staff and learners.

All individuals will be treated fairly and equitably and decisions on recruitment, selection, training, promotion and career management will be based solely on individual ability, effective performance and the needs of the College.

4.1 Relevant Legislation

As an organisation, the College will fulfil the provisions and requirements of the following legislation, which applies to the field of equality:

- Equal Pay Act 1970;
- Sex Discrimination Act 1975 (as amended);
- Race Relations Act 1976 (as amended);
- Disability Discrimination Act 1995 (as amended);
- Employment Equality (Sexual Orientation) Regulations 2003;
- Employment Equality (Religion or Belief) Regulations 2003;
- Employment Equality (Age) Regulations 2006.

These pieces of legislation make it unlawful for an organisation to discriminate directly or indirectly on grounds of gender, marital status, gender reassignment, pregnancy or maternity, race, colour, nationality, ethnic or national origin, age, sexual orientation or religion or belief.

For age, sexual orientation and religion or belief, discrimination is unlawful whether it is based on reality or a perception of a person's age, sexual orientation or religious views or other beliefs and, in addition, some parts of the legislation make it unlawful to discriminate against an individual based on their association with others of, for example, a particular sexual orientation or race.

In addition, the College will meet the requirements of the Rehabilitation of Offenders Act (1974) (Exception) Order 1975, which makes it unlawful for an organisation to discriminate on grounds of a 'spent conviction' in the recruitment of rehabilitated persons.

Definitions of discrimination, harassment and victimisation are given at Appendix A.

In exceptional circumstances, it is lawful for the College to treat individuals differently if it is a genuine occupational requirement

that the jobholder must be of a particular gender, colour, race, nationality, ethnic or national origin, sexual orientation or religion or belief. This may apply to posts which involve contact with people who may reasonably object to it being carried out by individuals of a particular gender, colour, race, nationality, ethnic or national origin, sexual orientation, religion or belief.

In determining if a genuine occupational requirement applies, the College will carefully consider the nature of the work and the context in which it is carried out. Such posts will be reviewed on a regular basis to determine if the requirement continues to apply. Where a genuine occupational requirement has been identified, the College will ensure that this is stated clearly at each stage of the recruitment and selection process.

Legislation in the field of equality is a rapidly changing, complex area. This policy is not designed to provide specific legal advice, but to provide an overview of the key issues and areas of potential discrimination. Further information is available from Human Resources.

4.2 College Policies

The College has developed a number of policies which ensure equality for all. Some key College policies in this area which are a useful source of further information are:

- Appointment Policy and Procedure;
- Family Friendly Policies and Procedures;
- Race Equality Policy;
- Personal Bullying and Harassment Policy and Procedure;
- Staff Code of Conduct;
- Disciplinary Policy and Procedure;
- Grievance Policy and Procedure.

The above policies are contained in the Staff Handbook. Further copies can be obtained from Human Resources.

These policies are informed by legislation, as well as Codes of Practice and other guidance developed by the Equality and Human Rights Commission, ACAS and other appropriate bodies. Examples of this information, such as the ACAS Codes of Practice on Sexual Orientation and Religion or Belief can be accessed from www.acas.org.uk. Where necessary, the College will obtain specialist advice, information and guidance to assist it in meeting its obligations under this policy.

Members of staff who consider that they have been discriminated against, victimised and/or harassed in contravention of the College Equal Opportunities Policy should invoke the Grievance Procedure or the Personal Harassment and Bullying Procedure as appropriate.

The College has a range of policies covering similar areas, which apply to learners. This information is contained in the following:

- Student Charter
- Student Guide
- Student Diary
- Learner Behaviour Policy

Copies of the above documents are available from Student Services.

4.3 Equality Schemes & Equality Action Plans

Under amendments to the Sex Discrimination Act, Race Relations Act and the Disability Discrimination Act, the College, as a public body, has specific duties to eliminate unlawful discrimination and harassment on grounds of gender, race and disability and to promote equality of opportunity. The College must also publicise the steps being taken to meet these duties.

To fulfil its obligations, management consulted widely with staff, learners and other stakeholders and produced a Race Equality Policy and Equality Schemes for disability and gender. These documents summarise the College's key priorities in these areas and highlight required actions to meet these priorities. In addition, the College has produced Equality Action Plans for Disability and Gender, which indicate specific actions that the College will take to eliminate potential sources of discrimination and to promote equality.

The Race Equality Policy, Disability Equality Scheme and Gender Equality Scheme are available from the College website and further copies can be obtained from Human Resources. Copies of the Gender Equality Action Plan, Disability Equality Action Plan and the first annual progress report of the Disability Action Plan are available from Human Resources.

It is management's intention to work towards a Single Equality Plan covering all strands of equality and this policy will be updated as appropriate progress is made.

4.4 Individuals with Particular Needs

It is recognised that individuals may have particular needs related to equality and diversity matters. In such cases, there should be dialogue with the line manager to discuss whether such needs can be accommodated within the workplace.

Where individuals have particular cultural and religious needs which may require a modification to existing requirements, the College, where practicable, will endeavour to accommodate these needs, within the constraints of operational requirements. Each situation and request will be treated individually and fairly.

It is the policy of Motherwell College to ensure that discrimination does not occur on grounds of disability. The College recognise that it is unlawful in terms of the provisions of the Disability Discrimination Act 1995 for an employer and a provider of education and training to discriminate against a disabled person. Access will therefore be based on skills, qualifications, and relevant experience. Where individuals are placed at a substantial disadvantage as a result of their disability, the College will make reasonable adjustments to the arrangements, practices, premises or equipment provided to remove the substantial disadvantage.

Wherever possible, the College will provide opportunities and training for disabled people, including those who become disabled, in order to make the best possible use of skills and potential.

4.5 Responsibility Levels

The success of this policy in ensuring that all are treated on an equal basis, is dependent upon securing the co-operation and support of everyone at all levels in the College.

The overall responsibility for implementing this policy lies with the Principal and Chief Executive.

Activities relating to the positive implementation and administration of the policy in respect of the recruitment and employment of staff will be the responsibility of the Director with responsibility for Human Resources, who will also be responsible for ensuring the provision of staff development and guidance for those members of staff involved in the recruitment and management of people, to ensure awareness of the College Equal Opportunities Policy and our legal responsibilities.

In respect of learner recruitment, guidance and support this will be the responsibility of the Head of Community and Learner Services.

Line Managers will have delegated responsibility for implementing and actively promoting equality of opportunity on a day to day basis and instigating immediately the appropriate procedures in the event of any breach of the Equal Opportunities Policy.

Individual members of staff and learners have the responsibility to assist in the prevention of discrimination by creating an ethos of equality and respect for individuals in the College. They must, therefore, promote equality of opportunity in accordance with College policy by demonstrating appropriate behaviour.

The College requires staff to treat colleagues and learners with respect, ensuring at all times that you abide by the principles laid down in this document. Appropriate action will be taken against any member of staff who is personally in contravention of the College Equal Opportunities Policy or who has knowingly aided another member of staff or learner to breach this policy.

4.5 Consultation

Staff co-operation, involvement and commitment to the measures introduced by the College will be sought utilising the Joint Consultative Committee mechanism within the College.

Consultation with the recognised trades unions and the Student Association will take place on an ongoing basis and in turn their co-operation and commitment is essential for the successful operation of the Equal Opportunities Policy.

The College has also established two cross-college groups to promote equality and encourage good practice relating to diversity.

Equality and Diversity Strategy Group

Chaired by the Director with responsibility for Human Resources and a member of the Senior Executive Team, this group, by meeting its corporate and legal responsibilities promotes equality of opportunity. The group will continue to work towards the elimination of discrimination and to support an inclusive strategy for the College, through receipt and application of the Race

Equality Policy and Procedure and any other related policies and procedures. The group will meet at least three times each year and will respond to any secondary legislation and official consultations on equality issues.

The Chair of the group reports to the Senior Executive Team and to the Human Resources Committee of the Board of Management.

Equality Action Group

Chaired by the Head of HR Services, this group supports the achievement of the College's aims in relation to the six equality strands (age, disability, gender, race, religion and belief, sexual orientation) through:

- Co-ordinating and supporting the completion of equality impact assessments, ensuring outcomes inform reviews of progress and actions for the future;
- Acting as diversity champions, promoting awareness and good practice throughout the College;
- Reporting regularly on progress to the Equality and Diversity Strategy Group.

Current membership of both equality groups is shown in Appendix B.

4.7 Terms And Conditions Of Employment

It is the policy of Motherwell College that all staff are treated fairly in terms of their pay and other conditions of employment.

Those responsible for the determination and administration of terms and conditions of employment must ensure that those aspects are applied fairly, consistently and on a non-discriminatory basis, taking into account all of the grounds detailed in paragraph 4.1 above.

Terms and Conditions of Employment will be reviewed annually to ensure equality of opportunity.

4.8 Staff Development and Career Review

The College has maintained its Investor in People status and this underpins its policy of developing the potential of all staff.

Equality of opportunity in staff development and career development will be achieved by encouraging individuals to develop their full capability by offering development opportunities on a non-discriminatory basis. This will be determined by College needs and objectives and the skills, experience and qualifications of individual members of staff.

Those responsible for staff development and career development must ensure that such processes are conducted fairly, consistently and on a non-discriminatory basis, taking into account all of the grounds detailed in paragraph 4.1.

4.9 Staff Training and Awareness

The Equal Opportunities Policy will be issued to every member of staff and publicised throughout the College. It will be included in the Staff Handbook, Induction training and other relevant training courses.

The College will provide training in equal opportunities to existing and new members of staff to help them understand their rights and responsibilities in terms of equal opportunities and to enable them to contribute positively to a climate where each individual is afforded the opportunity to fulfil their potential. In raising staff awareness and training in our policy, we seek to communicate our commitment and intention to ensure equality of opportunity to our staff, potential members of staff and learners.

4.10 Post-Employment

The College is committed to ensuring that former members of staff are not discriminated against or subjected to harassment on the grounds of sex, race, colour, nationality, ethnic or national origin, disability, age, sexual orientation or religion or belief where this arises out of and is closely connected to the employment relationship, for example, in the provision of a reference.

5.0 RECORDS

All equality of opportunity related documentation pertaining to staff activity will be retained within Human Resources

All equality of opportunity related documentation pertaining to learner activity will be retained within Student Services.

Information provided by existing and potential learners or members of staff for monitoring purposes will be used only for this reason and will be dealt with in accordance with the Data Protection Act 1998.

6.0 MONITORING AND REVIEW

Human Resources will continue to examine and review procedures for recruitment, selection, terms and conditions of employment, staff and career development, grievance, discipline and other existing procedures to secure the elimination of direct and indirect discrimination, victimisation and harassment and the provision of equality of opportunity.

In monitoring the effectiveness of the College Equal Opportunity Policy, basic information relating to staff activity will continue to be gathered and analysed to give organisational statistics in respect of sex, sexual orientation, religion or belief, race, colour, nationality, ethnic or national origin and disability. Individuals are under no obligation to provide such data, however, all information obtained in order to provide statistical information for monitoring purposes will be treated in strictest confidence.

Should barriers to equality of opportunity relating to staff activity be identified which highlight under-representation, the College will endeavour to take the necessary remedial action by a programme of positive action and support.

Good practice in equal opportunities will be promoted and disseminated with action continuing to be taken to demonstrate to potential applicants, clients and to the public at large, that Motherwell College is an equal opportunity employer.

Motherwell College will continue to examine and review existing equality of opportunity procedures to reflect the needs of the College on the basis of experience and statutory obligations as necessary.

POLICY INFORMATION -	
Date of last review:	Proposed date of review:
February 2008	June 2010

APPENDIX A

Definitions

Discrimination/Victimisation and Harassment

Discrimination – Direct Discrimination in the context of equal opportunities means treating an individual less favourably than someone else is or would be treated in the same or similar circumstances because of gender, race, colour, nationality, ethnic or national origin, disability, religion or belief, sexual orientation or on any other ground identified in our Equal Opportunities Policy Statement. Indirect Discrimination also occurs where a provision, criterion or practice is applied which places a certain group of people (who are covered by our Equal Opportunities Policy) at a particular disadvantage and it cannot be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

Victimisation - Victimisation in the context of equal opportunities means treating an individual less favourably than others are or would be treated in the same or similar circumstances because that individual has asserted, or intends to assert his/her rights under either legislation or the provisions of this policy or has provided information in connection with a complaint brought by another person who has asserted their rights under this policy or legislation.

Harassment - Harassment in the context of equal opportunities is unwanted conduct relating to sex, race, colour, nationality, ethnic or national origin, disability, sexual orientation, religion or belief or any other grounds detailed in the Equal Opportunities Policy which:

- has the purpose or effect of violating an individual's dignity; or
- creates an intimidating, hostile, degrading, humiliating and offensive environment for that individual.

Sexual Harassment – a particular type of harassment where an individual is subjected to any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of

- Violating the individual's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual.

Or

Where on the ground of the individual's rejection of or submission to unwanted conduct they are subjected to less favourable treatment than they would have been had they not rejected or submitted to, the conduct.

Support will be available on a confidential basis to members of staff.

APPENDIX B

EQUALITY & DIVERSITY STRATEGY GROUP MEMBERSHIP

Name	Role	Department	Tel:
Carol Scott	Director and Chair of Group	Human Resources	01698 232340
Brian Casey	Associate Director (Curriculum & Academic Planning)	Curriculum	01698 232226
Jim Sweeney	Head of Community and Learner Services	Student Services	01698 232205
Ann Baxter	Head of Department	Care	01698 232359
Neil Thomson	Commercial Development Manger	Finance	01698 232603
Brian Gilchrist	Head of HR Services	Human Resources	01698 232343
Secretary to Group			
Carol-Anne Brown	Human Resources Advisor	Human Resources	01698 232322

EQUALITY ACTION GROUP MEMBERSHIP

Name	Role	Department	Tel:
Brian Gilchrist	Head of HR Services and Chair of Group	Human Resources	01698 232343
Jeanette Gillies	Learner Services Manager	Student Services	01698 232305
Carole Gray	Learning Resources Centre Manager	Student Services	01698 232346
Eileen Imlah	Lecturer and Union Learning Representative	Support for Learning	01698 232566
John Johnston	Student Liaison Officer	Student Services	01698 232403
Helen Lawson	Curriculum Leader	Creative Arts, Media and Design	01698 232652
Neil McIntosh	Lecturer	Automotive Studies	01698 232373
Michael McGhee	Curriculum Leader	Engineering	01698 232561
Nikki Slowey	Events and PR Officer	Marketing	01698 232650
Secretary to Group			
Gary Caldwell	Human Resources Assistant	Human Resources	01698 232231

SOURCES OF FURTHER INFORMATION, ADVICE AND SUPPORT

Internal Sources

Director with responsibility for Human Resources	Carol Scott	01698 232340
Head of HR Services	Brian Gilchrist	01698 232343
Head of Community and Learner Services	Jim Sweeney	01698 232205
Learner Services Manager: Community Learning and Development	Stuart Matson	01698 232320
Learner Services Manager: Disability and Student Support	Jeanette Gillies	01698 232305
Learner Services Manager: Guidance and Welfare	Bobby Dunn	01698 232293
Student Liaison Officer	John Johnston	01698 232403

External Sources

Equality and Human Rights Commission	www.equalityhumanrights.com 0845 604 5510 0845 604 5520 (Textphone) 08457 74 74 74 (8am – 6pm) 08456 06 16 00 (8am – 6pm) Minicom Users www.acas.org.uk
ACAS	
Age Positive	www.agepositive.gov.uk
Access Association	www.access-association.org.uk
Close the Gap	www.closesthegap.org.uk
Crosslynx	0141 847 0787 (7.30-9.30pm) http://www.crosslynx.org/
Engender	info@engender.org.uk www.engender.org.uk
SKILL	0800 328 5050 www.skill.org.uk
Strathclyde Gay & Lesbian Switchboard	0141 847 0447 (7-10pm) www.sgls.co.uk
Wise Women	0141 550 7557 http://www.gvawp.org.uk/InfoWomen/Orgs/WwisWom.htm