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Equality, Diversity, and Inclusion Policy

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Version Control

Version	Author	Date	Changes
3.1	Nina Munday	17/02/2023	<p>Version 3 amended: Added to 5.5: “All College’s Equality Outcomes and Mainstreaming Reports are published on the College website.”</p> <p>Added a link in 5.6: “College Website” https://www.edinburghcollege.ac.uk/about-us/corporate-and-governance/equality-diversity-and-inclusion/equality-impact-assessments</p> <p>Added to 5.6: “Up-to-date EQIA guidance and template are available on the College intranet.”</p>
3.2	Nina Munday	29/08/20203	<p>Version 3.1 amended: Added to 3.1 “Monitoring and evaluating data by protected characteristics, gathered and provided by Management Information Systems (MIS) and HR Systems, to enhance equality of outcomes for students and staff.”</p>

Student Summary

This summary is for guidance only. It does not in itself constitute part of the policy, or add any duty, standard, or procedure to the policy. It serves to explain the contents of the policy and to signpost to other relevant College documents, policies, and procedures.

At Edinburgh College, a belief in equality, diversity, and inclusion underpins all our values and strategic aims, but we also have specific legal duties towards equality.

In the UK, a law called the Equality Act 2010 provides everyone with legal protection from being treated unfairly because of who we are in relation to nine characteristics: our age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation (see 5.1. for definitions). The kinds of unfair treatment prohibited under law are called discrimination, harassment, and victimisation (see 5.3). This law applies equally to everyone at the College, whether they are a student, an employee, a visitor, or a contractor. This means that you should treat others fairly and expect to be treated fairly yourself.

As a public body in Scotland, the College has an additional legal duty to proactively advance equality. This means that, as well as obeying the law by not discriminating unfairly, the College must also take action to remove the barriers to accessing opportunities that different groups may experience and work on creating an inclusive environment for everyone. This means that you should expect to feel welcome and accepted for who you are at College, and that support is available if you have additional needs.

This policy demonstrates the College's commitment to fulfil its duties towards equality. The College runs projects and activities to fulfil these duties and writes a report about what's been happening every two years. These are called 'Equality Outcomes and Mainstreaming Reports' (see 5.5), and they are published on the College website for you to read.

Relevant policies and procedures:

[Up-to-date copies of each of these policies are available on the College's website.](#)

- Student Agreement Policy and Procedure
- Positive Behaviour, Anti-Bullying, and Harassment Policy
- Assessment and Appeals Procedure
- Edinburgh College Complaints Handling Procedure
- Corporate Parenting Policy
- Gender Based Violence Policy
- Student Mental Health and Wellbeing Policy
- Safeguarding Policy

Key contacts for students:

- [Learning Support](#)
- [Wellbeing Team](#)
- [ECSA](#)
- [Guidance Team](#)

1. Purpose and Scope

1.1. Edinburgh College is committed to creating a culture where all members of the College community are equally valued and respected, where diversity is celebrated and where everyone has the opportunity to fully take part in and benefit from their experience in the College.

1.2. As well as complying with our duties under the Equality Act 2010 and associated legislation, we recognise the Human Rights values of FRED A: Fairness, Respect, Equality, Dignity and Autonomy. For example, all members and prospective members of the College have the right:

- To be treated with respect and dignity.
- To be treated fairly.
- To receive encouragement to reach their full potential.

- 1.3. This policy applies to all members of the College community including current and potential staff and students, visitors, board members and people contracted to work at or for the College.

2. Policy

- 2.1. Under the Equality Act 2010, a person is protected from discrimination, harassment, and victimisation on the basis of nine protected characteristics:

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

- 2.2. The College also recognises that other groups often experience disadvantage in our society, including care experienced people, carers, veterans, and those who experience multiple factors of deprivation.

- 2.3. Further to this, the Equality Act 2010 places a duty upon public bodies such as the College with the intention to progress equality. This is known as the 'Public Sector Equality Duty' (PSED) or the 'Equality Duty'. According to this duty, the College must pay due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Equality Act 2010.

- Advance equality of opportunity.
- Foster good relations between those who share a particular protected characteristic and those who do not.

2.4. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 places additional duties upon Scottish public bodies. These duties include:

- The duty to report progress on mainstreaming the PSED.
- The duty to publish equality outcomes and report progress.
- The duty to assess and review policies and practices.
- The duty to gather and use employee information.
- The duty to publish gender pay gap information.
- The duty to publish statements on equal pay.
- The duty to consider award criteria and conditions in relation to public procurement.
- The duty to publish in a manner that is accessible.
- The duty to consider other matters as specified by the Scottish Ministers.

3. Procedure

3.1. The College is committed to meeting the obligations and duties set out for public bodies under the Equality Act 2010 and related legislation. We pay due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations by:

- Publishing Equality Outcomes and Mainstreaming Reports every four years, with an interim Progress Report published every two years.

- Raising awareness among all members of the College community of their rights and responsibilities around equality and related matters.
- Promoting the College's commitment to equality, diversity and inclusive practice to staff and students through information, training and other activities.
- Monitoring and evaluating data by protected characteristics, gathered and provided by Management Information Systems (MIS) and HR Systems, to enhance equality of outcomes for students and staff.
- Making reasonable adjustments for students and staff with disabilities to help remove barriers and meet individual needs.
- Consulting and involving internal and external stakeholders to help inform policy and practice.
- Conducting Equality Impact Assessments to ensure that College policies, procedures, and practices are fair to people from different protected characteristic groups and other groups; ensuring subsequent College policies contain a statement of the College's commitment to equality and diversity.
- Eliminating gender or other unfair bias within our pay, recruitment and reward processes through job evaluation and equal pay audits, publishing gender pay gap information, and publishing statements on equal pay.
- Maintaining effective mechanisms to monitor, evaluate and review the implementation of the College's Equality Outcomes and other equality work.

4. Responsibilities

- 4.1. The Board of Management is responsible for the overall fulfilment of the College's statutory equality duties and oversees the implementation of this policy throughout the College.

- 4.2. The Learning and Teaching Council is responsible for ensuring that principles of equality and diversity are embedded in the learning and teaching environment.
- 4.3. The Assistant Principal – Quality and Improvement and the Director of Human Resources and Organisational Development are responsible for ensuring that all staff understand their responsibilities to follow and implement this policy, and to pay due regard to the College’s statutory equality duties when making decisions and carrying out their respective areas of business.
- 4.4. The Widening Access and Equality, Diversity, and Inclusion Committee (WAX-ED) is responsible for advising, overseeing and monitoring the College’s progress towards achieving its Equality Outcomes and other related work.
- 4.5. Every member of the College community is responsible for following and implementing this policy and associated guidelines aimed at fulfilling the statutory equality duties.

5. Key Definitions

5.1. Protected Characteristics under the Equality Act 2010

There are nine protected characteristics given protection under the Equality Act 2010:

- **Age** – this can refer to a person belonging to a particular age (for example 32 year olds) or range of ages (e.g. 18-30 year olds).
- **Disability** – a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Gender Reassignment** – the process of changing or transitioning gender, whether that be socially, physically, or medically. Known more commonly referred to today with

terms such as 'transgender' and 'gender diversity', this characteristic refers to when a person's gender differs from the sex assigned to them at birth. For instance, a woman who was assigned the sex 'male' at birth is transgender. Non-binary and gender diverse people experience their gender identity as outwith the binary of man and woman.

- **Marriage and Civil Partnership** – a protected characteristic applied in relation to employment, it refers to the legally recognised union of two people. Both forms of legal union can be between partners of the same sex or different sexes.
- **Pregnancy and Maternity** – 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. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
- **Race** – refers to a group of people defined by their race, colour, nationality (including citizenship), or ethnic or national origin.
- **Religion or Belief** – Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices, or the way you live, for it to be included in the definition.
- **Sex** – currently, a person's legal sex refers to whether a person is a man or a woman. However, for a variety of reasons, some people do not identify within this binary, for example, they may identify as intersex.
- **Sexual Orientation** – the term used to describe a person based on who they are emotionally and physically attracted to.

5.2. Additional Characteristics

In addition to the nine protected characteristics recognised under the Equality Act (2010), we acknowledge the call in the Scottish Funding Council's 'National Ambition for Care Experienced Students'

(2020) to recognise care experienced as a tenth protected characteristic.

- **Care Experienced** – this refers to anyone who has been or is currently in care or from a looked-after background at any stage in their life. Types of care include kinship care, foster care, residential care, adoption, and those looked after at home.

We also recognise that other groups often experience disadvantage in our society, including carers, veterans, and those who experience multiple factors of deprivation.

Related policy: Access and Inclusion Strategy, Corporate Parenting Strategy

[Up-to-date copies of each of these policies are available on the College's website.](#)

5.3. Discrimination, Harassment, and Victimisation

We work to eliminate unlawful discrimination, victimisation and harassment in all our activities. The Equality Act 2010 specifies a number of types of discrimination, victimisation, and harassment:

- Direct discrimination – occurs when someone is treated less favourably than another on grounds of their perceived or actual protected characteristic. For example, it is unlawful to decide not to employ someone, to dismiss them, refuse to promote them, deny them training, give them adverse working conditions or deny them benefits based on such grounds.
- Indirect discrimination – occurs when an organisation has rules or policies, conditions or requirements that are applied equally to everyone but disadvantages a person with a particular protected characteristic.
- Discrimination by perception – discrimination against someone who is perceived to have the protected

characteristic relating to gender reassignment because, for example, that person identifies as non-binary.

- Associative discrimination - discrimination against someone associated with a person who has a protected characteristic, for example, someone with caring responsibilities for a disabled person.
- Harassment – unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, having regard to all the circumstances, including the perception of the victim.
- Harassment by a third party – employers are potentially liable for the harassment of their staff or customers by people they don't themselves employ, i.e. a contractor.
- Victimisation – treating someone less favourably because of something they have done under or in connection with the equalities legislation, for example, made a formal complaint of discrimination, or provided support to a colleague raising a complaint of discrimination.

Harassment can take many forms and examples include physical contact, offensive language, gossip, slander, cyber-bullying, graffiti, obscene gestures and exclusion. Harassment can involve persistent conduct or behaviour that continues after the individual states they want it to stop. A single incident can also constitute harassment if it is sufficiently serious. Harassment can include:

- Sexual harassment including unwanted sexual comments or physical contact;
- Homophobic or biphobic bullying based around a person's real or perceived sexual orientation;
- Transphobic harassment based on a person's transgender identity;
- Racist harassment because of a person's race, colour, nationality or ethnicity;
- Disability harassment – because of or focusing on disability;

- Bullying or harassment focusing on religion or belief, e.g. sectarian remarks or Islamophobia;
- Ageist bullying or harassment.

5.4. Hate Crime

Under the Hate Crime and Public Order (Scotland) Act (2021), hate crime is an offence in which there has been aggravation motivated by hostility or prejudice against one of the following characteristics:

- Race;
- Religion and belief;
- Age;
- Disability;
- Sexual orientation;
- Transgender identity;
- Variation in sex characteristics.

5.5. Equality Outcomes and Mainstreaming Reports

Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, public bodies such as the College are required to report progress on mainstreaming the PSED and publish equality outcomes and report progress.

To fulfil this duty, Equality Outcomes and Mainstreaming Reports are to be published every four years with an interim Equality Outcomes and Mainstreaming Progress Report published at the two-year mark within that cycle.

Equality Outcomes are understood to be targets set to cover a particular four-year period that focus on specific, evidenced areas of inequality, based on institutional, local, or national evidence. Advice provided in a November 2020 workshop delivered jointly by AdvanceHE, SFC, and EHRC indicated that an appropriate number of

outcomes to set for any given four-year period are between four and seven outcomes.

Mainstreaming Reports are understood to evidence the due regard given to the PSED by detailing the day-to-day incorporation of equality, diversity, and inclusion into the work of the College.

All College's Equality Outcomes and Mainstreaming Reports are published on the [College website](#).

5.6. Equality Impact Assessments

Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, public bodies such as the College are required duty to assess and review policies and practices under a process known as Equality Impact Assessment (EQIA).

The College's policies – defined here as any policy, plan, practice, strategy, procedure, system of work, or change of operations, whether written or unwritten – impact on people: our staff, students, visitors, and wider community. When we develop or review policies, we need to consider whether the policy may disproportionately disadvantage different groups.

The primary purpose of EQIAs is to help the College better perform its PSED through assessing and identifying:

- The extent of differential impact upon different groups;
- Whether any differential impact is adverse;
- What appropriate alternative processes / measures may help to remove or minimise the adverse impact;
- Opportunities to advance equality and foster good relations between different groups.

Equality Impact Assessments are to be published either in full or in summary on the [College website](#).

Up-to-date EQIA guidance and template are available on the [College intranet](#).

6. Breach of Policy

- 6.1. The College will not tolerate any instances of unlawful discrimination, harassment or victimisation by any member of the College community.
- 6.2. The College will ensure that any incidences of unlawful discrimination, bullying, harassment or victimisation are dealt with using the appropriate College behaviour, disciplinary and complaint procedures.
- 6.3. The College will offer advice and support to any member of the College community who feels they have experienced unlawful discrimination, harassment or victimisation.

Related policy: Positive Behaviour and Anti-Bullying and Harassment Policy, Dignity and Respect Policy

[Up-to-date copies of each of these policies are available on the College's website.](#)

7. Assurance

- 7.1. This policy and procedure will be reviewed following any relevant changes to employment law or once every three years as a minimum.
- 7.2. This policy and procedure will be reviewed by the Policy committee and approved by the Executive team and where relevant the Policy and Resources Committee.
- 7.3. If you require this policy in a different format, please contact equality@edinburghcollege.ac.uk.