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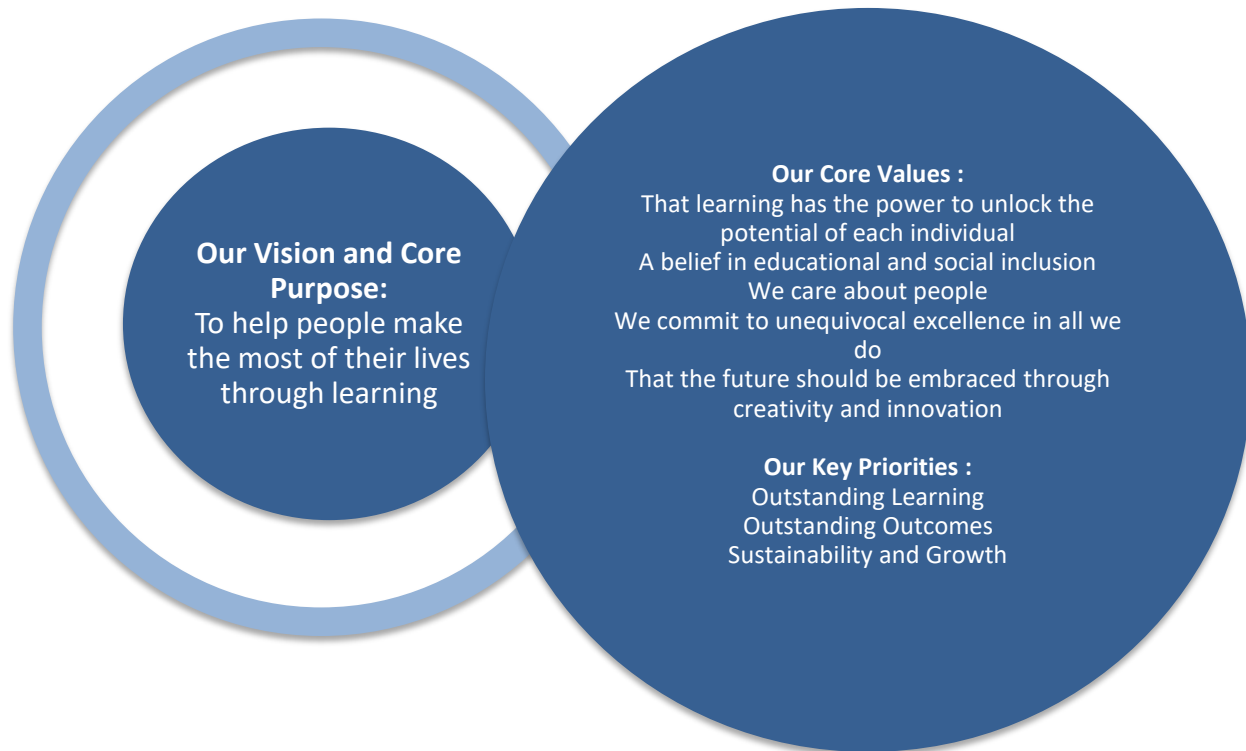


Brockenhurst College

# Equality and Diversity Policy

# 1 Introduction

Brockenhurst College is committed to improving equality, eliminating all forms of discrimination, proactively promoting equality and creating an inclusive environment for all who learn and work in our organisation. This commitment is embedded within the Vision, Core Purpose and Key Priorities of the College.



Brockenhurst College aims to be recognised as a leader of equality and diversity in its work and held as an example of good practice. The policy will set out the framework which will promote equality for and prevent discrimination against our college community. We respect and celebrate the diversity of our provision, students, staff, governors and visitors. As a college we seek to eliminate direct discrimination, indirect discrimination, victimisation and harassment.

Overall responsibility for this process will lie with the Assistant Principal (Learning and Quality) who will work with the rest of the Senior Management Team, specifically the Assistant Principal (Learners), to update policies, and with the Safeguarding, Equality and Diversity Strategic Committee. Matters pertaining to staff will be overseen by the HR representative on the Safeguarding, Equality and Diversity Committee.

This document describes how the College will fulfil its duties to promote equality of opportunity and avoid discrimination in relation to the Equality Act 2010 and the public sector equality duty it describes. It places the promotion of equality and diversity at the centre of our work, both as a provider of education, training and homestay accommodation, and in our action as an employer.

Brockenhurst College is committed to equality and prides itself on its reputation of inclusion for staff and learners. Brockenhurst College's mission is "to help people make the most of their

lives through learning” and as such we aim to ensure that learners, their parents/guardians/carers, staff visitors, corporation members and suppliers are treated with dignity, respect and equity, regardless of their individual protected characteristics namely age, disability, gender re-assignment, marriage and civil partnerships, pregnancy and maternity, race, religious or belief, sex and sexual orientation.

As a College we aim to create a culture of inclusion and to challenge discrimination in order to remove barriers to ensure everyone achieves their potential, as such we are committed to providing the highest quality education and training for all.

This policy is underpinned by our commitment to an inclusive educational environment through:

- Acknowledging and celebrating diversity
- Respect for others
- Promotion of British Values
- Compliance with legislation
- Support for learners to develop their full potential
- Actively challenging stereotypes
- Zero tolerance of bullying, harassment, victimisation and discrimination
- Support for the college community to develop moral, cultural and self-awareness
- Neutral language concerning protected characteristics
- Accountability of College members for compliance with this policy

## **2. Context**

### **Our location**

The College is situated in a highly rural location in the New Forest. It serves a large geographical area centring on Southampton in the east to Salisbury in the north, Poole in the west and the Isle of Wight in the South. The New Forest is central to this area, largely rural and a National Park. However, it also includes larger centres of population such as Hythe, Ringwood, Fordingbridge, Totton, Lymington and New Milton. Brockenhurst village has a station on the main line from Weymouth to London (Waterloo) but public transport is difficult for those living in many of the towns and villages not served by the railway. Additionally, we have in excess of 400 learners each year coming from another of our key catchment areas, the ‘Waterside’ (Marchwood, Hythe, Dibden Purlieu, Fawley, Calshot, Blackfield). The area has a population of over 40,000 and has no rail station or FE/HE provision.

As a result of our rural location and limited public transport links, Brockenhurst College contracts with a private bus company, First, to provide an extensive bus network operating out of 4 depots and requiring up to 30 drivers. The College therefore subsidises up to 32 daily bus services, at a net cost to the College in excess of £470,000 per year, for all learners within a 20 mile radius who would otherwise be unable to access our broad FE provision.

The M3 Local Enterprise Partnership has identified STEM skills and the ICT and Digital Media, Pharmaceuticals, Aerospace and Defence and Professional and Business Services sectors as priorities with an emphasis on high level skills. Other analysis has identified six sectors as particularly significant in the College’s area of operation; Construction and the Built

Environment, Children's Services and Childcare, Engineering and Manufacturing, Transport, Warehousing and Logistics, Public Sector Services and Retail – along with IT user skills.

### **Our learners**

The College's 16 – 18 learners mostly come from partner schools in South West Hampshire, East Dorset, including Christchurch, Bournemouth and Poole, South Wiltshire and the Isle of Wight. 19+ learners are similarly drawn largely from South West Hampshire, East Dorset and South Wiltshire as are most of the employees for whom the College provides training. The majority of the College's learners come from the New Forest and Waterside. However, about 44% of 16-18 year old learners and 37% of adult learners come from the Bournemouth, Poole and Christchurch areas. The proportion of learners enrolled from non-white ethnic backgrounds is 6.5% for all learners, which is higher than the proportion in the local population but lower than the widest travel to learn area. The College has in the region of 115 international learners who make a significant contribution to cultural diversity. Equality and diversity measures indicate that learners from different backgrounds are well represented and supported, and achieve and progress well.

The most recent Hampshire Child Poverty Needs Assessment placed New Forest Wards in 8 of the top 10 in Hampshire where child poverty has the greatest incidence and impact and, according to HMRC 2018 statistics, we have 6,027 children living in the New Forest in poverty and 6,756 household living in fuel poverty. 'Attainment 8' scores from across our key local New Forest feeder schools, demonstrate a mixed picture of the previous attainment of learners, with 4 of the 10 schools posting below average 'Attainment 8' scores when compared with the national picture. The percentage of learners attaining both English and maths was also below the national averages in 4 of the 10 schools.

### **Our Curriculum Offer**

We offer our learners the opportunity to access a wide variety of courses. We were designated a good College by Ofsted (2017) and our latest performance data shows that disadvantaged learners make good progress while at the College. Those learners with a D or below at Key Stage 4 achieve half a grade higher than the national average at this College. In our local area three sixth form colleges are graded as requiring improvement and therefore the choice of high quality provision for local disadvantaged learners is limited. Within the New Forest we are the only post-16 establishment offering a broad range of A Level and vocational/technical subjects. The College offers 19 level 2 vocational qualifications, 25 level 3 vocational qualifications, over 40 different A levels, apprenticeships and a foundation studies provision for our SEND learners. In total we have 150 high needs learners at the College from 6 different local authorities. We also have a Construction and Marine Skills Centre offering the opportunity to learn carpentry, bricklaying, marine engineering, electrical and upholstery, from level 1 to level 3 in Marchwood, an area with a high level of poverty. Currently we have 68 higher education (HE) learners, having grown from a figure of 16 in 2014. The spectrum of provision at the College is therefore much broader than any other local provider in the area.

## **3. Scope**

This policy and associated policies and schemes are applicable to all staff, governors, applicants, students, customers, employers, volunteers, homestay/host families, workers

supplied by agencies, contractors, support workers, teaching assistants and any other procured bodies.

The purpose of this policy is to make clear the College's position on equality and diversity and establish key principles, structures and monitoring arrangements.

All identified within scope are responsible for the promotion and advancement of this policy. Behaviour, actions or words that transgress this policy will not be tolerated and will be dealt with in line with the College's Disciplinary Policy (staff) and the Disciplinary Policy (learners) or relevant College procedure.

#### **4. The Legislation**

The Equality Act 2010 forms the basis of this policy which defines protected characteristics as:

- age
- disability
- gender
- race
- religion and belief
- sex and sexual orientation
- gender reassignment
- pregnancy and maternity
- marriage and civil partnership

The main aims of the 2010 Act are to provide protection of the Protected Characteristics from the following prohibited conduct:

- Direct discrimination
- Indirect discrimination
- Victimisation, and
- Harassment

The policy is intended to meet our general and specific duties under the Equality Act 2010. The general duty, which applies to all functions of the organisation, requires the College to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share protected characteristics and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The policy is based on the principle that we will take a proactive approach to promoting equality in all its aspects.

The legislation makes it clear that complying with the duty might mean treating some people more favourably than others, where doing so is permitted by the Act, such as taking positive action to promote equality, or making reasonable adjustments for disabled people.

#### **4. Involving people in the development and the review of the policy**

The College's previous equality schemes actively involve staff and students in their development, implementation and assessment. To continue this approach, the College will actively seek to involve stakeholders by:

- Involving staff in meeting individual needs
- Involving staff in reviewing organisational data
- Involving staff in setting priorities for further data gathering and action planning
- Involving students through the Student Parliament and Students' Union and learner voice activities
- Involving governors in monitoring relevant college complaints
- Involving senior managers in setting strategic objectives to meet the Equality Duty
- Involving governors through the annual Equality and Diversity Key Performance Indicators

The College will also use the information on good practice from organisations such as the Equality and Human Rights Commission, public bodies, representative groups, and various charity and voluntary groups such as GIRES, Stonewall.

#### **5. Implementation**

##### **Setting Targets**

The College will set annual targets with clear milestones in an action plan for implementing and monitoring Equality and Diversity progress. The annual actions plans will be considered and endorsed by the governing body. The impact of our Equality and Diversity Initiatives will be monitored through measures such as:

Observation of teaching and learning

Feedback through learner voice activities

Analysis of complaints and disciplinary incidents

Inspection by Ofsted and other quality assurance bodies

Collecting and analysis of retention, pass rates, achievement and progress

Analysis of recruitment and selection monitoring forms

##### **The Governors**

The Governors are responsible for implementing the Equality and Diversity policy and ensuring that it complies with current statutory requirements. The Governors have responsibility for ensuring that Brockenhurst College complies with the requirements of the Equality Act including the specific duties to publish diversity data as well as the general public sector duty to have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share protected characteristics and those who do not

- Foster good relations between people who share a protected characteristic and those who do not

### **The College**

The College is responsible for achieving the highest standards in teaching and learning and central to this is the need to be accessible and inclusive. Learning resources will be free from all prejudiced assumptions, images and language and activity promote diversity. We will develop inclusive, personalised learning strategies to meet the needs of individual learners to help them reach their full potential. We will take steps to develop staff in the best teaching, learning and assessing practice and ensure that their best practice is promoted and shared.

The college is responsible for ensuring that all employment policies and practices reflect the principles of equality. Breaches of the Equality and Diversity policy may be regarded as misconduct leading to disciplinary proceedings. The College is committed to:

- Creating an environment in which individual differences and the contribution of our staff are recognised and valued
- A working environment that promotes dignity, fairness and respect to all
- Intolerance of all forms of intimidation, bullying or harassment
- Making training, development and progression opportunities available equitably
- Regular review of our employment practices and procedures to ensure fairness
- Understanding equality in the workplace is good management practice and makes sound business sense

### **All staff**

It is the responsibility of the whole institution of Brockenhurst College to ensure that Equality and Diversity is at the heart of everything we do. Staff have a responsibility to:

- Fulfil our public sector duty to advance Equality and Diversity
- Challenge discriminatory incidents and reporting those of an equality nature through our procedures
- Keep up-to-date with legislation and participate in training and learning opportunities including mandatory training offered by the College
- Reflect the values, principals and standards described in this policy in all our College activities

## Definitions

### Types of 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 re-assignment) they have or are thought to have.

**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.

**Perceptive discrimination:** this is direct discrimination against an individual because others think they possess a particular characteristic. It applies even if the person does not actually possess that characteristic.

### Indirect Discrimination

Applies to age, disability, gender, race, religion or belief, sexual orientation, gender reassignment and marriage and civil partnership. Indirect discrimination can occur when you have a condition, rule, policy or practice in your company that applies to everyone, but particularly disadvantages people who share a protected characteristic. 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'. A legitimate aim might be any lawful decision that is made in running a business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate means being fair and reasonable, including showing that you have considered less discriminatory alternatives to any decision made.

**Failure to make reasonable adjustments:** occurs when an organisation 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 (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 harassment. As a result, it is possible that behaviour that is acceptable to some members of staff 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 staff will 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 characteristics themselves. Members of staff are also protected from harassment because of perception and association.

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.



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 if it is sufficiently serious.

**Victimisation:** occurs when an employee 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. An employee is not protected from victimisation if they 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 of 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 staff 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 loss of self-esteem.

Bullying is recognised as a serious issue that is often under-reported.

Examples of bullying, include but are not limited to:

- Persistent unnecessary criticism
- Shouting at colleagues in public or private
- Deliberate isolation by ignoring or excluding the person
- Withholding information or removing areas of responsibility without justification
- Spreading malicious rumours
- Making inappropriate personal comments
- Undermining a person's self-respect by condescending or threatening treatment that humiliates or intimidates the individual
- Cyber bullying – by email, text or social networking sites
- Picking on one person when there is a common problem
- Setting unrealistic targets or excessive workloads
- Setting up an individual to fail e.g. by giving inadequate instruction or reasonable deadlines.

