

EDGE PROJECT

(Education Developing Gloucestershire's Employability)

Equality and Diversity Implementation Plan

Please note:

This current plan will be reviewed regularly, paragraph 2.1, by the Project Steering Group with agreed amendments being made and new version being published.

Version Control	
Reviewed by EDGE Steering Group	Date: 3 May 2018
Result of Review	Found to be appropriate
Next Review Due	Date: 3 July 2018
May 2018 Version	
Updated to reflect staff training, and communications required by Guidance	Date: 30 May 2018
August 2018 Version	
Updated to incorporate amendments required following Article 125 audit. Updated Single Equality Policy has been included. Approved by EDGE Steering Group	Date: 29 August 2018
Next Review Due	Date: 19 December 2018

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The EDGE Project Partnership, SGS, Cirencester, Gloucestershire and Hartpury Colleges, is committed to Equality and Diversity and it is the responsibility of everyone connect with Project to promote and advance Equality in all aspects of the Project's work.

1. Equality and Diversity Policy

The Single Equality Policy for South Gloucestershire and Stroud College, SGS College, who is the lead partner, has been adopted for the ESF Project, Education Developing Gloucestershire's Employability, (EDGE) and covers the work of all partners on this project.

The SGS College's Single Equality Policy can be found in Annex A.

In interpreting this policy for the EDGE project the 'subcontractors' are:

-  Cirencester College
-  Gloucestershire College
-  Hartpury College

2. Equality and Diversity Implementation Plan

The purpose of the Equality and Diversity Implementation Plan is to promote equality throughout the project and to ensure appropriate actions are taken by the EDGE project partners including the lead, to review how the project actively advances Equality and Diversity and eliminates any discrimination in its policies, work and services.

2.1. Implementation Plan

The action plan to ensure that the EDGE Project promotes equality and diversity can be found in section 3.

The effectiveness of the plan will be monitored by the EDGE Project Steering Group quarterly from January 2018 allowing the first year to be reviewed and then closer monitoring as the project reaches its completion.

The Plan will be updated to reflect discussions and recommendations made at this meeting. Also at these meetings any underperformance will be addressed and minuted.

It should be noted that staff and participant communication and training in equality and diversity including anti-harassment and anti-bullying will be covered by the individual partner's policy with induction being the main focus for initial training.

3. EDGE Equality and Diversity Action Plan

Objective	Actions	Impact	Update dated August 2018
To ensure that the Project promotes equality and diversity	<ul style="list-style-type: none">  Ensure that the project imagery reflects and celebrates diversity.  Ensure that there is access to the project to all, that is there are no barriers to participation based on Race and Ethnicity, Religion or Belief, Sexual Orientation, Sex and Gender, Gender Reassignment, Age, Disability, Pregnancy and Maternity, Civil Partnership and Marriage and Social Economic Factors. 	<ul style="list-style-type: none">  All participants, staff, employers and learners identify the Project as being inclusive. 	Audit of PR materials show inclusive imagery. Partners feel that the Project demonstrates inclusivity, for example the case study involving SGS Foundation students.
To ensure all participants, staff, employers and learners are treated with equal dignity and fairness.	<ul style="list-style-type: none">  Monitor perception of Equality and Diversity through feedback from participants and through the review of any complaints received. 	<ul style="list-style-type: none">  Positive feedback on the inclusivity of the project.  Minimum complaints concerning equality issues. 	Positive feedback has been received from learners. No complaints have been received concerning the EDGE project

Objective	Actions	Impact	Update dated August 2018
To ensure equality of access and success of learners.	 Monitor gender, ethnicity, disability and disadvantaged groups' profiles at recruitment, for retention and achievement, identifying any disproportionate skewing of these monitors.	 Demonstration that the project provides equality of opportunity and success for all participants.	Following analysis is as at April 2018 which will be updated at the August Steering Group meeting
		Gender	Overall 57% of Starts were female with 61% of Completers being female. No gender bias has been demonstrated.
		Ethnicity	11% of starts and 8% completers were non-English/Welsh/Scottish/N. Irish/ British. No ethnicity bias has been demonstrated as not all work placements have been completed.
		Learning Difficulty	17% of starts had a learning difficulty with 19% of completers had a learning difficulty. No disadvantaged bias has been demonstrated.
To report regularly on equality issues for the project.	 Present quarterly reports to the EDGE Steering Group on the progress and impact of this plan.	Maximise the inclusivity of the EDGE Project.	This is the quarterly report for the August Steering Group.

4. Feedback on Plan

The main feedback opportunity for partners will be during the quarterly review of the Plan at the EDGE Project Steering Group.

The plan will be placed on the EDGE website, www.gottheedge.co.uk with the opportunity to feedback on the Plan and on the EDGE Project as a whole via on-line form.



Annex A

South Gloucestershire and Stroud College

Single Equality Policy

**If you would like this document in an alternate format
Please contact the Human Resources Department**

Prepared by:	Gavin Murray
Job Title/Role:	Assistant Principal, Quality and Performance
Ref. No.: Q/P 142	Date of this version: 26 March 2015 Review date: 31 October 2018 (Subject to any legislative changes) Upload to College website? Yes Upload to e-Campus? Yes
Approved by:	SGS College Corporation
Date:	26 March 2015

<p>Have you consulted on this policy? Details:</p> <p>What evidence has been used for this assessment?</p>	<p>Yes Safeguarding and Equality and Diversity Group</p>		
<p>Could a particular group be affected (negatively or positively)?</p>	<p>Positive Impact Indicate Y where applicable</p>	<p>Negative Impact Indicate Y where applicable</p>	<p>Evidence</p>
<p>Characteristics protected by the Equality Act 2010</p>			
Age	N/A	N/A	
Disability	N/A	N/A	
Gender Reassignment (inc. Transgender)	N/A	N/A	
Race (inc. Gypsy & Traveller)	N/A	N/A	
Religion and Belief	N/A	N/A	
Sex	N/A	N/A	
Sexual Orientation	N/A	N/A	
Marriage & Civil Partnership	N/A	N/A	
Pregnancy & Maternity	N/A	N/A	
<p>Characteristics designated by SGS as requiring due regard</p>			
Carers and Care Givers	N/A	N/A	
Persons in Care and Care Leavers	N/A	N/A	
<p>If any negative impacts are identified, are there any related policies, services, strategies, procedures or functions that need to be assessed alongside this screening? No</p> <p>If yes, please detail: N/A</p>			
<p>Should this policy, service, strategy, procedure or function proceed to a full Impact Assessment? No</p>			
<p><i>We are satisfied that an initial screening has been carried out on this policy / procedure and a full Impact Assessment is not required.</i></p> <p><i>We understand that the Impact Assessment is required by the College and we take responsibility for the completion and quality of this assessment.</i></p> <p>Completed by: Gavin Murray Position: Assistant Principal, Quality and Performance Date: 17-Sep-14</p> <p>Checked by: Kevin Hamblin Position: Principal Date: 17-Sep-14</p>			

Single Equality Policy

1. Introduction

- 1.1. South Gloucestershire and Stroud College (SGS) is committed to promoting equality and diversity in all of its activities and between the people that represent its constituency. We value the diversity of our workforce and learner population and aim to ensure that the highest equality and diversity standards are maintained and discrimination and harassment are eliminated.
- 1.2. Our key delivery mechanism for this Policy is our Single Equality Plan which details SGS Colleges' response to our Public Sector Duties. We consult widely with regard to Equality and Diversity, monitor our progress and continually review the actions we take; and we proactively revise our approaches where required. We do this so that we can be sure that we are consistently progressing towards the achievement of our aims and objectives.
- 1.3. In addition to this Policy document, we have also produced an *Impact Assessment Toolkit*. The Impact Assessment work we conduct helps inform our planning activity and the actions we are taking to work towards the successful implementation and achievement of our aims and principles. This Policy should, therefore, be read in conjunction with our Single Equality Action plan and our *Impact Assessment Toolkit*.
- 1.4. We welcome our legal duties and responsibilities with regard to Equality and Diversity. An overview of key legislation is shown in **Appendix 1**. In particular, we have a positive commitment to address our duties under *The Equality Act 2010*. In addition, we also recognise that the legislation includes the 'Public Sector Equality Duty'. (**Appendix 2**)
- 1.5. This Policy does not exist purely as a response to legal requirements; SGS College sees Equality and Diversity as fundamental considerations underpinning all our activities. Therefore, this Policy applies to all members of the SGS College community (members of the corporation, all staff and learners, contractors, sub-contractors and any person associated with the functioning of the College).

2. Statement

- 2.1. SGS College will be a place where we will treat with equal dignity and fairness all learners and staff, and where we will not tolerate discrimination, harassment or victimisation in any form. SGS College will be a place where:
 - 2.1.1. all who learn and work here have the opportunity to participate fully and achieve their full potential;
 - 2.1.2. the environment is welcoming, supportive and safe;

- 2.1.3. physical, social and economic barriers to access are minimised and/or removed;
and
- 2.1.4. everyone accepts their responsibility to uphold equality and diversity and demonstrate respect of all others.

3. Objectives

- 3.1. SGS College will enhance the experience of all its community (members of the corporation, all staff and learners, contractors, sub-contractors and any person associated with the functioning of the College) will be valued equally through:
 - 3.1.1. actively promoting equality and diversity and fostering good relations by valuing, understanding and respecting differences between people. SGS will work proactively with under-represented groups (and their advocates) to identify and eliminate gaps in achievement and to ensure barriers to individual progression are removed;
 - 3.1.2. ensuring that all stakeholders understand their duties and responsibilities and are equipped and supported to challenge discrimination in the College Community;
and
 - 3.1.3. reflecting both the needs and contributions of all members of the community in promoting and providing access to learning opportunities that support learners and staff to achieve their full potential and to progress; by responding to the challenge of improving every year as an organisation which proactively engages for all its learners and staff.

4. Implementation

- 4.1. SGS College will:
 - 4.1.1. monitor the curriculum, teaching, learning and assessment to ensure the learner journey is free from discrimination, reflects the wider community, and enables learners to achieve their full potential to progress;
 - 4.1.2. monitor all aspects of employment and ensure analysis of trends according to all equality groups;
 - 4.1.3. conduct Impact Assessments with regard to all policies, procedures and practices in order to identify and tackle inequality, and promote equality of opportunity;
and

- 4.1.4. investigate rigorously, all allegations of discrimination, harassment and victimisation.
- 4.1.5. Where appropriate, the College will publish monitoring information for staff, learners and stakeholders as required by legislation.

5. Responsibilities

5.1. The College Corporation and Executive must:

- 5.1.1. ensure that the College meets its legal obligations as well as maintaining role model behaviour in the area of equality and diversity.

5.2. The Safeguarding and Equality and Diversity Group must:

- 5.2.1. support and advise the Corporation and Executive in their above obligations, most notably by devising and maintaining the College Single Equality Policy, developing and updating a Single Equality Plan and Impact Assessments in support of the Single Equality Policy and monitoring the effectiveness of the policy and making recommendations for further development.

5.3. Individual managers must:

- 5.3.1. ensure that applicable legislation and the College Single Equality Policy is adhered to in their area of responsibility.

5.4. All staff and learners must:

- 5.4.1. promote equality and diversity within the College.

6. Related Policies, Procedures, Charters, Plans, Guidance and Legislation

- 6.1. This Policy overarches all College Policies.

7. Position and Policy Statements

- 7.1. SGS College will be a place where we will treat with equal dignity and fairness all learners and staff, and where we will not tolerate discrimination, harassment or victimisation in any form.
- 7.2. The following statements compliment this Single Equality Policy.
- 7.3. The headings of Race, Religion or Belief, Sexual Orientation, Sex, Gender Reassignment, Age, Disability (which includes Mental Health and people diagnosed as Clinically Obese), Marriage

and Civil Partnership and Pregnancy and Maternity are known as 'Protected Characteristics'. The following statements support this. Additionally, we have included a statement on Social and Economic Factors.

7.4. **Race and Ethnicity**

7.4.1. Position Statement:

7.4.1.1. SGS College is committed to promoting equality of opportunity and good relationships between people of different ethnic groups reflected in our diverse multi-cultural learner and staff population.

7.4.2. Policy Statement – SGS will:

7.4.2.1. actively promote equality and foster good relations between members of different racial and ethnic groups and commit to positive action;

7.4.2.2. ensure that staff are equipped to recognise racial and ethnic diversity and to challenge racial and ethnic discrimination;

7.4.2.3. investigate sympathetically allegations of racial discrimination and address the issue through relevant College procedures;

7.4.2.4. monitor the curriculum and learning to ensure that they are free from racial discrimination and promote success and progression through addressing any gaps in achievement;

7.4.2.5. monitor by racial group, the admission and progress of learners and the recruitment and career development of staff and act to address inequalities; and

7.4.2.6. reflect the contributions of all members of the community.

7.5. **Religion or Belief**

7.5.1. Position Statement:

7.5.1.1. SGS College welcomes and supports diversity of beliefs providing their manifestation is not contrary to the College's values of inclusiveness, success and safety. We aim to promote tolerance, understanding and the mature development of beliefs for all people who work or study here.

7.5.2. Policy Statement – SGS will:

- 7.5.2.1. support all staff and learners seeking to observe any recognised mainstream faith or belief;
- 7.5.2.2. ensure that the delivery of the curriculum is not dogmatic and encourages all to respect others' views;
- 7.5.2.3. respect, and as necessary, develop provision for the practice which supports the religious needs or belief of learners and staff. This may include on request:
 - a. the provision of the most common religious dietary requirements and other dietary needs relating to widely held belief or value system;
 - b. the provision of a suitable space for prayer, and other religious observances; and
 - c. welcoming diversity of appearance and clothing providing safeguarding and health and safety requirements are met, dress conforms to the majority view in society of what constitutes decency, does not hamper learning, and does not display discriminatory slogans; and
- 7.5.2.4. treat with equal dignity and fairness all learners and staff. Harassment, religious or racial discrimination and incitement to religious hatred will be addressed through relevant College procedures.

7.6. **Sexual Orientation**

7.6.1. Position Statement:

- 7.6.1.1. SGS College aims to eliminate discrimination on the grounds of sexual orientation and promote equality of opportunity through a supportive, inclusive environment.

7.6.2. Policy Statement – SGS will:

- 7.6.2.1. oppose discrimination on the grounds of sexual orientation and commit to the identification and removal of homophobia from College life. Harassment and sexual discrimination will be addressed through relevant College procedures;

- 7.6.2.2. treat with equal dignity and fairness all learners and staff;
- 7.6.2.3. encourage acceptance of lesbian, bisexual, gay and trans-sexual people; and
- 7.6.2.4. promote understanding and respect of the LBGT (Lesbian, Bi-Sexual, Gay & Transsexual) community.

7.7. Sex and Gender

7.7.1. Position Statement:

- 7.7.1.1. SGS College is committed to a supportive, inclusive environment for both men and women which enables full participation and success in learning and employment. We strongly oppose sexual harassment and undertake to eliminate gender discrimination.

7.7.2. Policy Statement – SGS will:

- 7.7.2.1. oppose sexism and be committed to taking positive action to identify and remove sexism from College life;
- 7.7.2.2. monitor the participation, performance and progress of female and male learners and staff and act to address inequalities;
- 7.7.2.3. promote the inclusion of learners into non-traditional areas of study and work towards minimising gender stereotyping; and
- 7.7.2.4. ensure that policies, procedures and opportunities for professional development encourage full staff participation.

7.8. Gender Reassignment

7.8.1. Position Statement:

- 7.8.1.1. SGS College is committed to a supportive, inclusive environment for those learners who are or undertaking gender reassignment. We are committed to providing an experience which enables full participation and success in learning and employment.

7.8.2. Policy Statement – SGS will:

- 7.8.2.1. oppose sexism and be committed to taking positive action to identify and remove sexism from College life. Harassment and sexual

discrimination will be addressed through relevant College procedures;

7.8.2.2. encourage acceptance of all transsexual people;

7.8.2.3. promote understanding and respect of transsexual people; and

7.8.2.4. work with individuals to ensure appropriate support at identified periods.

7.9. **Age**

7.9.1. Position Statement:

7.9.1.1. SGS College believes that prejudice and discrimination on the grounds of age are unacceptable in an educational establishment. The College will not discriminate against learners on the grounds of age, except where age is a mandatory criterion for entry to a course. There will be no discrimination on the grounds of age in respect of employment.

7.9.2. Policy Statement – SGS will:

7.9.2.1. work to remove arbitrary age barriers to educational access and to the realisation of individual potential and success;

7.9.2.2. promote learning experiences that meet the needs of particular cohorts and also promote up-skilling and training for employees;

7.9.2.3. promote positive images of achievement of people of all ages; and

7.9.2.4. welcome applications from all age groups and select on the basis of specified and appropriate skills and competencies.

7.10. **Disability**

7.10.1. Position Statement:

7.10.1.1. SGS College encourages and promotes learners and prospective staff with disabilities and aims to eliminate attitudes, practices and procedures that discriminate against people on the grounds of disability and/or learning difficulties/disabilities.

7.10.2. Policy Statement – SGS will:

- 7.10.2.1. fulfil our responsibility to both existing and prospective learners and staff with disabilities;
- 7.10.2.2. commit to making reasonable adjustments to promote equality of access and opportunity for learners, employees and members of the public with disabilities and/or learning difficulties/disabilities;
- 7.10.2.3. commit to making reasonable adjustments to support learners to achieve their potential and progress:
- 7.10.2.4. treat with equal dignity, all learners and staff; and
- 7.10.2.5. monitor participation, performance and progress of learners and staff with disabilities and act to address inequalities.

7.11. **Pregnancy & Maternity**

7.11.1. Position Statement:

7.11.1.1. SGS College aims to eliminate the unfavourable treatment of a woman, during the 'protected period' (when the pregnancy begins and ends) in relation to her pregnancy or illness suffered by her as a result of that pregnancy.

7.11.2. Policy Statement – SGS will:

7.11.2.1. promote equality of opportunity through a supportive, inclusive environment;

7.11.2.2. ensure that managers are aware of the issues that could arise in relation to pregnancy and maternity discrimination claims;

7.11.2.3. ensure that the College policy regarding to Maternity, Pregnancy and equal opportunities is adhered to by staff and enforced at all times;

7.11.2.4. ensure that managers are aware of relevant health and safety risks with regard to pregnant women and that appropriate action is taken; and

7.11.2.5. fulfil our responsibility to learners and prospective staff in relation to pregnancy and maternity.

7.12. **Civil Partnership & Marriage**

7.12.1. Position Statement:

7.12.1.1. SGS College will aim to treat same sex couples who register as civil partners, as married couples, with equal treatment in a full range of matters including employment and vocational training.

7.12.2. Policy Statement – SGS will:

7.12.2.1. ensure that policies, procedures and opportunities for professional development encourage full staff participation; and

7.12.2.2. not ask personal questions unrelated to the job that could be taken as an intention to discriminate unlawfully because of marriage or civil partnership.

7.12.2.3. Harassment and discrimination will be addressed through relevant College procedures.

7.13. Social and Economic Factors

7.13.1. Position Statement:

7.13.1.1. SGS College will use available resources to identify and address any issues of inequality as a result of social and economic factors. We undertake to support learners and staff, both academically and pastorally in order for all to be successful.

7.13.2. Policy Statement – SGS will:

7.13.2.1. monitor participation, performance and progress of learners with social and economic issues and act to address inequalities;

7.13.2.2. engage with relevant external agencies as appropriate to ensure success; and

7.13.2.3. provide appropriate guidance and support for staff and learners who are disadvantaged by social and economic factors.

Appendix 1

An Overview of the Equality Act 2010

The Equality Act 2010 – An Overview

The Equality Act 2010 has brought together and replaced the major pieces of Equal Opportunities legislation as well as bringing together around 100 other instruments within a **single Act**. It covers the same groups that were protected by previous equalities-based legislation and refers to these as “Protected Characteristics”.

The nine “Protected Characteristics” as set out in the Equality Act 2010 are:

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

Types of Discrimination

The Equality Act 2010 defines the following different types of discrimination

Direct Discrimination	This occurs when a person is treated less favourably because of a protected characteristic they have
Indirect Discrimination	This occurs when a condition, rule, policy or practice that an organisation has in place disadvantages people who share a protected characteristic - even if the condition, rule, policy or practice is applied to everyone
Discrimination arising from Disability	This occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified
Associative Discrimination	This occurs when a person is treated less favourably than another person because they associate with another person who possesses a protected characteristic

Victimisation	This occurs when someone is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act
Perceptive Discrimination	This occurs when a person is treated less favourably than another person because others think they possess a protected characteristic – even if the person does not actually possess that characteristic
Harassment	This is unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual
Third Party Harassment	This is when a person faces unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual by people who are not employees of the organisation

Protected Characteristics – Key Points

Age

The Equality Act protects people of all ages.

Different treatment because of age is not unlawful if it can be objectively justified i.e. it can be demonstrated that it is a **proportionate means of achieving a legitimate aim.**

Sex

Both men and women are protected under the Act.

Sexual Orientation

The Act protects bisexual, gay, heterosexual and lesbian people

Marriage and Civil Partnership

The Act protects people who are married or in a civil partnership.

Single people are not protected.

Race

'Race' includes colour, nationality, and ethnic or national origins. A racial group can be made up of two or more different racial groups, for example, Black Britons.

'Ethnicity' is where a group has a long shared history and cultural tradition, come from a common geographical area, descend from a small number of ancestors, have a common language or literature and a common religion.

Disability

The Equality Act protects anyone who has, or has had, a disability; for example, if a person has had a mental health condition in the past that met the Act's definition of disability and is harassed because of this, it would be unlawful.

The Act defines disability as a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

'Impairment' covers, for example, long-term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis or motor neurone disease. A mental impairment includes mental health conditions such as bipolar disorder or depression, learning difficulties such as dyslexia and learning disabilities such as autism and Down's syndrome. Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected by the Act. People with severe disfigurement will be protected without needing to show that it has a substantial adverse effect on day-to-day activities.

There is a legal requirement to make reasonable changes to the way things are done; this could include changing a policy, making changes to the built environment, such as making changes to the structure of a building to improve access, and providing auxiliary aids and services, such as providing information in an accessible format, an induction loop for customers with hearing aids, special computer software or providing additional support for employees or customers using a service.

Where a service is delivered from a building that cannot be made accessible through reasonable adjustments, it may be a reasonable adjustment to provide the service at a different venue, including a home visit.

Gender Reassignment

The Act provides protection for transsexual people.

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

The Act does not require a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Transgender people such as cross dressers, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured. Medical procedures for gender reassignment such as hormone treatment should not be treated as a 'lifestyle' choice.

Pregnancy and Maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

It is unlawful to take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

It is unlawful to discriminate against a woman because she is breastfeeding. Women to whom an organisation is providing goods, facilities and services should be able to breastfeed should they so wish.

Religion or Belief

Religion includes any religion. It also includes a lack of religion, in other words people are protected if they do not follow a certain religion or have no religion at all.

A religion must have a clear structure and belief system.

Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Denominations or sects within a religion can be considered a protected religion or religious belief.

Political beliefs would not be protected

Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Positive Action

For all groups of people with characteristics protected under the Equality Act to benefit equally from employment and services provided by organisations, some groups may need more help or encouragement than others. This is because some groups are disadvantaged or under-represented, or have different needs from the population as a whole due to past or present discrimination or exclusion or particular experiences.

The Equality Act allows employers and service providers to take action that may involve treating one group more favourably where this is a **proportionate way** to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole. This is called 'positive action'.

Positive action can be taken when three conditions are met:

1. The organisation must reasonably think that a group of people who share a protected characteristic:
 - suffer a disadvantage linked to that characteristic;
 - have a disproportionately low level of participation in this type of employment, service or activity; or
 - need different things from this employment or service from other groups.

'Reasonably think' means that the disadvantage, low level of participation or different needs can be seen (detailed statistical or other evidence of this does not need to be shown)

2. The action taken is intended to:
 - meet the group's different needs;
 - enable or encourage the group to overcome or minimise that disadvantage; or
 - enable or encourage the group to participate in that activity
3. The action taken is a **proportionate way** to increase participation, meet different needs or overcome disadvantage. This means that the action is appropriate to that aim and that other action would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Positive action is always voluntary – not compulsory

Pre-employment health-related checks

The Equality Act limits the circumstances when employers can ask health-related questions before offering an individual a job. Up to this point, employers can only ask health-related questions to help them to:

- decide whether any reasonable adjustments need to be made for the person to the selection process
- decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- monitor diversity among people making applications for jobs
- take positive action to assist disabled people
- ensure that a candidate has the disability where the job genuinely requires the jobholder to have a disability

Once a person has passed the interview and has been offered a job (whether this is an unconditional or conditional job offer) the employer is permitted to ask appropriate health-related questions.

Equal Pay

This is designed to prevent discrimination between men and women in respect of their terms and conditions of employment, including pay. In most circumstances a challenge to pay inequality and other contractual terms and conditions has to be made by comparison with a real person of the opposite sex in the same employment. However, the Equality Act allows a claim of direct pay discrimination to be made, even if no real person comparator can be found.

Pay Secrecy

The Act makes it unlawful for an employer to prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics. It also makes terms of the contract of employment that require pay secrecy unenforceable because of these discussions.

An employer can require their employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

Occupational requirements

If an employer can show that a particular protected characteristic is central to a particular job, they can insist that only someone who has that particular protected characteristic is suitable for the job. This would be an 'occupational requirement'. For example, a women's refuge may want to say that it should be able to employ only women as counsellors. Its client base is only women who are experiencing domestic violence committed by men. This would probably be a genuine occupational requirement

Obeying another law

An employer can take into account a protected characteristic where not doing this would mean they broke another law. For example, a driving school must reject a 19 year old who applies for a job as a driving instructor because to offer them a job – even if they are the best candidate – would involve breaking the law because a driving instructor must be aged at least 21.

Exceptions

There are exceptions that only apply to some employers:

A religion or belief organisation, may be able to say that a job requires a person doing the job to hold a particular religion or belief if, having regard to the nature or context of the job, this is an occupational requirement and it is objectively justified. For example, a Humanist organisation which promotes Humanist philosophy and principles would probably be able to apply an occupational requirement for its chief executive to be a Humanist.

An organised religion (or, when not an organised religion but a job is for the purposes of an organised religion) may be able to say that a job or role requires a person to have or not have a particular Protected Characteristic or to behave or not behave in a particular way. If:

- a job or role exists for the purposes of an organised religion, such as being a Minister or otherwise promoting or representing the religion, and
- because of the nature or context of the employment, it is necessary to avoid conflict with the strongly held religious convictions of a significant number of the religion's followers or to conform to the doctrines of the religion by applying a requirement to the job or role.

Employment may be refused to a person because:

- they are male or female,
- they are a transsexual person,
- they are married or in a civil partnership, including taking into account who they are married to or in a civil partnership with (such as someone who marries a divorced person whose former spouse is still alive),
- they manifest a particular sexual orientation, for example, a gay or lesbian or bisexual person who is in a relationship with a same-sex partner.

The requirement must be crucial to the job or role, and not merely one of several important factors. The job or role must be closely related to the purposes of the religion, and the application of the requirement must be proportionate.

- An employment service provider may be able to say that a person must have a particular Protected Characteristic to do vocational training, if the training leads to work for which having that characteristic is an occupational requirement.
- An educational establishment like a school or college, may be able to say that someone has to be of a particular religion or belief, or must be a woman.
- Recruiting to the civil, diplomatic, armed or security and intelligence services and some other public bodies, can specify what nationality a person has to be.
- Recruiting for service in the armed forces, may be able to exclude women and transsexual people if this is a proportionate way to ensure the combat effectiveness of the armed forces. In addition, age

and disability are, in effect, not Protected Characteristics in relation to service in the armed forces. Disability can also be a reason to refuse someone work experience in the armed forces.

Appendix 2

Public Sector Equality Duty

THE PUBLIC SECTOR EQUALITY DUTY

The Equality Act 2010 has replaced the three previous separate Duties (covering Race, Disability and Gender) with a single Public Sector Equality Duty. This single Equality Duty encompasses the following 7 protected characteristics:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and Maternity
5. Race
6. Religion or Belief
7. Sex
8. Sexual Orientation
9. Marriage and Sexual Orientation

The Public Sector Equality Duty states that a public authority must, in the exercise of its functions, have due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;
2. Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; this means:
 - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3. Foster good relations between persons who share a protected characteristic and persons who do not share it; this means:
 - tackling prejudice.
 - promoting understanding.

Protected characteristics: definitions

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g.32 year olds) or range of ages (e.g. 18-30 year olds).

Disability

A person has a disability if s/he has 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 transitioning from one gender to another. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity

Pregnancy is 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 the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and 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

A man or a woman. The term 'sex' is used to describe the biological differences between women and men. The term 'gender' refers to the wider social roles and relationships which structure men's and women's lives. Gender inequality exists in all aspects of society and relates to the lasting and embedded patterns of advantage and disadvantage which grew out of the historical, patriarchal model.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

You can see a more in-depth definition of these protected characteristics on the [Office of Public Sector Information website](#).

The above definitions relating to the protected characteristics have been supplied by the Equalities and Human Rights Commission.

