



Birkenhead Sixth Form College

Single Equality Scheme

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Forward by Principal and Chair of Corporation

Birkenhead Sixth Form College is committed to the principles of equality and diversity for everyone. The College's existence and activities are determined by a belief in, and a desire to ensure that all members of the College have an equal opportunity to maximise their potential and are equally valued and treated with respect. It seeks to provide employment, education and services in an environment in which diversity is valued.

The belief in equality and diversity underpins and impacts on all areas of activity and influences how the College works and what it does. The College is opposed to any form of unlawful discrimination and commits itself to eliminating any inequalities by taking positive action wherever possible.

The Single Equality Scheme statement provides the framework and context to demonstrating the College's commitment to:

- proactively promoting equality of opportunity for current and prospective students and staff;
- remove barriers to access, achievement and progression;
- value the diversity and differences of everyone that studies and works at the College;
- meet individual needs to enable the fulfilment of potential;
- create an environment free from discrimination;
- provide a high quality learning experience for students and a supportive working environment for students and staff.

Kathryn Podmore
Principal

Lyn Eaton
Chair of Corporation

Section 1 - Introduction

Birkenhead Sixth Form College Single Equality Scheme (SES) sets out our approach to equality and diversity, both for ourselves as an employer of over 200 staff, and also as a Post 16 education provider in Wirral. It is called a Single Equality Scheme because it explains and responds to our statutory duties to promote equality and provide protection from discrimination, harassment and victimisation for all groups with the following protected characteristics, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The statutory duties are set out in the Equality Act 2010.

The Scheme and associated Action Plan will be developed over a three-year cycle with annual reviews and updated action plans reported to all College stakeholders. Details of the equality legislation applying to this document can be found in Section 4.

Equality of opportunity is embedded in all College policies and procedures and strategic planning. It is part of the lesson observation procedure and is included in schemes of work. Students with a disability or additional learning needs, have support and individual lesson plans, where appropriate. Self Assessment Reports are required to include equality and diversity information.

The tutorial scheme focuses on important equality and diversity issues throughout the year and there are regular promotional displays.

Section 2 - College Background

Birkenhead Sixth Form College is an inclusive College providing education for young people and adult students undertaking full or part time study. Applications are also welcome from students and adult learners who belong to groups who share the protected characteristics covered by the Equality Act 2010. There are approximately 1,200 students, aged 16-19 that travel to the College from all over the Wirral Peninsula. The College also caters for approximately 500 adult students enrolling on both award bearing and recreational courses.

The College's mission aims:

“To be an outstanding Sixth Form College providing high quality education for all” and embraces the core values of inclusivity, support, partnership, mutual respect and development of potential.

Birkenhead Sixth Form College was established in 1988. It is located in Wirral about one mile from the centre of Birkenhead in a mixed residential area. The accommodation is based on a small site originally constructed in 1962 with further expansions completed over a number of years.

The College currently supports approximately 400 students with additional support needs. Supported students are those that have disclosed a difficulty or disability, including students with Asperger's Syndrome, ADHD, ESOL, mental health problems, dyslexia, dyspraxia and specific learning difficulties. Support is tailored to each individual need, which may include one to one support in the classroom, support in the Learning Assistance Base, support sessions with a Dyslexia Tutor or support meetings with one of the Learning Support Team. The team also assist with examination concessions.

Wirral is the eighth largest Metropolitan Council in England and Wales, with a diverse socio-economic population of over 320,000 (Office for National Statistics). The ethnic mix is predominantly White British (95%) with Other White (1.2%), Irish (0.8%) and Chinese (0.5%) representing the largest of other ethnic groups.

Section 3 - The College Vision for Equality

The College actively promotes equality of opportunity for all students, staff and College users and the celebration of cultural diversity as reflected in its Equal Opportunities Statement. In this respect every member of the College community has a responsibility for equality and diversity.

- The College will treat all its members with respect and dignity and provide a working environment free from unlawful discrimination, harassment or victimisation.
- The College will not tolerate any form of behaviour or activity, which discriminates on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- The College is fully committed to meeting all students' needs, encouraging them to achieve their full potential and to raising educational standards. It provides appropriate learning support for all students according to their specific needs. It aims to create a positive, inclusive atmosphere based on respect for people's differences and the challenging of stereotypes.
- The College is also committed to making its workforce more representative of the Community it serves and to making full use of the skills and knowledge of people from different groups. It aims to create good relations between people of different groups and to improve staff morale and performance.
- The College ensures that applications to study or work are considered without prejudice and that no potential employee or candidate for promotion will be disadvantaged because of requirements or conditions unrelated to the post.

The SES helps the College achieve this vision and provides a framework for action across all equality strands. It demonstrates a commitment to go beyond mere compliance with the Equality Act 2010 legislation. It moves towards mainstreaming

equality and diversity by bringing together the College's work into one place, consulting widely on it and putting in place a comprehensive action plan to ensure its commitments are carried out.

Section 4 - The Legal Framework

THE EQUALITY ACT 2010

The Equality Act 2010 focuses on protecting groups of people who share what are described as 'protected characteristics':

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

from 'prohibited conduct':

- direct and indirect discrimination
- discrimination arising from a disability
- victimisation
- harassment

There is a statutory duty under the Equality Act 2010 legislation:

- PUBLIC SECTOR EQUALITY DUTY

To comply with the Public Sector Equality Duty, Birkenhead Sixth Form College has due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is unlawful under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- meet the different needs of protected groups
- encourage participation in public life, where low
- tackle prejudice
- foster good relations between people who share a protected characteristic and people who do not share it, by tackling prejudice and promoting respect and understanding of others

Protected Characteristics

Age

Age is defined by the Act by reference to a person's age group (people of the same age or people of a range of ages). Where people fall within the same age group, they share the protected characteristic of age.

Disability

A person has a disability if they have a physical or mental impairment (including sensory impairment) which has a:

- long term (has lasted or is likely to last for at least a year or for the rest of the affected person's life) and
- substantial (more than minor or trivial) adverse effect on their ability to carry out day to day activities

'Hidden' impairments e.g. mental illness or mental health problems and conditions such as diabetes and epilepsy are also covered. Cancer, HIV infection and MS are deemed disabilities under the Act.

Only people who have a disability, who have had a disability or who are **perceived** to have a disability, or are **associated** with a disabled person, are protected against discrimination on this ground.

Gender Reassignment

People who are proposing to undergo, are undergoing or have undergone a process to reassign their sex by changing their physiological or other attributes of sex have the protected characteristic of gender reassignment and may be referred to as a transsexual person or trans.

Gender reassignment, under the Act, is a **personal** process, rather than a **medicalised** process. It may be proposed but never gone through, the person may be in the process, or the process may have happened previously. It may include undergoing the medical procedures involved, or may simply include choosing to dress in a different way as part of a person's desire to live in the opposite gender.

Any person who was directly discriminated against because they were associated with someone proposing to undergo gender reassignment, such as family or friends is protected under the Act.

Marriage and Civil Partnership

Marriage covers any formal union of a man and a woman or same sex couple, which is legally recognised in the UK as a marriage.

A civil partnership refers to a registered civil partnership under the Civil Partnership Act 2004, including those registered outside the UK.

Only people who are actually married or in a civil partnership are protected. People who are living as couples but not legally married or civil partners are not protected. Neither is a person who is divorced, or whose civil partnership has been dissolved.

Unlike most other protected characteristics discrimination based on association or perception does not apply. Discrimination on the grounds of marriage and civil partnership is only unlawful in relation to work.

Pregnancy and Maternity

For the purposes of Part 5 (Work) of the Act, it is unlawful discrimination to treat a woman unfavourably because of her pregnancy or related illness, or because she is exercising, has exercised or is seeking or has sought to exercise her right to maternity leave. There is no need to compare her treatment to anyone else's, and such discrimination cannot be justified.

Race

The Act defines 'race' as including colour, nationality (including citizenship), and ethnic or national origin. National origin is distinct from nationality but often these may be the same.

A racial group can be a group of people who have or share a colour, or ethnic or national origin e.g. 'British people or 'black Britons'.

All racial groups are protected under the Act. The Act includes a power to prohibit caste discrimination as part of race discrimination.

Religion or Belief

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief (including Humanism, Atheism and Paganism). A belief need not include faith or worship of a God, but must affect how a person lives their life or perceives the world. It also includes a lack of any such religion or belief.

Sex

Sex is a protected characteristic and refers to the gender identity of a person (a man or a woman) of any age. In relation to a group of people it refers to either men or women.

The gender identity of a person may be different to the biological gender they were assigned at birth.

Sexual Orientation

Sexual orientation is a protected characteristic. It refers to a person's sexual orientation towards:

- a) persons of the same sex (i.e. the person is a gay man or a lesbian)
- b) persons of the opposite sex (i.e. the person is heterosexual)
- c) persons of either sex (i.e. the person is bisexual)

Sexual orientation discrimination includes discrimination because someone is of a particular sexual orientation, and it also covers discrimination connected with manifestations of that sexual orientation e.g. someone's appearance, places they visit or the people they associate with. It relates to how people feel as well as their actions.

Prohibited Conduct:

Direct Discrimination

Direct discrimination occurs when a person (A) treats another (B) less favourably than others because of a protected characteristic. Apart from limited exceptions direct discrimination is always unlawful. It can only be justified when the protected characteristic is age.

The criteria for direct discrimination relating to pregnancy and maternity, is whether the treatment is **unfavourable** rather than less favourable.

It is **not direct discrimination** to treat a **disabled person** more favourably than a non-disabled person.

A man cannot claim discrimination where special treatment is given to a woman in connection with **pregnancy or childbirth**.

Direct discrimination also occurs when (A) treats (B) less favourably because of (B's) association with or support for, another person who has a protected characteristic e.g. family member, friend, carer. This is **discrimination by association**.

Direct discrimination by perception applies when a person is treated less favourably because they are thought to have a protected characteristic, even though in fact they do not.

Combined discrimination applies when a person suffers unfavourable treatment because of a combination of two protected characteristics, e.g. race and sex. This does not apply to discrimination on the grounds of pregnancy and maternity, and civil partnership and marriage.

Indirect Discrimination occurs when a provision, criterion or practice which has been applied equally to everyone but has the effect of excluding one group of people sharing a protected characteristic. Indirect discrimination has been extended to cover both disability and gender reassignment.

Harassment is unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The College has a separate Anti Bullying and Harassment Policy which deals with this issue in detail.

Victimisation occurs when a person is treated less favourably:

- because they have made a claim or complaint of discrimination (under the Equality Act)
- helped someone else to make a claim by giving truthful evidence or information
- made an allegation that the Act has been breached
- done anything else in connection with the Act

Victimisation is also covered in the Bullying and Harassment Policy.

Public Procurement (Contracts and Tenders)

The Equality Act states that poor equality performers should not benefit from public procurement. Birkenhead Sixth Form College will ensure that any company tendering a bid for services complies with current legislation and will give consideration to the equality impact of the contract tendered.

Positive Action

The Act contains two positive action provisions. The combined aim of these is to allow proportionate action to be taken to address disadvantage or under-representation, or to meet the particular needs of those who share a protected characteristic.

The College will continue to use positive action to target under-represented groups in the workforce and local community and give consideration to the use of positive action on a case-by-case basis when recruiting and promoting, providing the candidates are 'as qualified', to select the candidate from a disadvantaged or under-represented group.

Reasonable Adjustments

Under the Act the College has a duty to avoid, as far as possible by reasonable means, the disadvantage which people experience because of their disability.

Birkenhead Sixth Form College will take all reasonable positive steps to ensure that disabled students can fully participate in the education and other benefits, facilities and services provided for students and that disabled members of staff can participate as fully as reasonably possible in College life and are not subject to substantial disadvantage because of their disability.

To this end Birkenhead Sixth Form College will continue to carry out risk assessments and make reasonable adjustments where appropriate.

Section 5 – Consultation and Involvement

Ongoing consultation and involvement are both ways of ensuring the College get the input it needs to fulfil the various statutory duties explained in this SES. The College regards consultation and involvement as a fundamental and vital part of the development and implementation of the SES and Action Plan.

The College will be consulting and involving staff, students, governors, groups that share protected characteristics and other stakeholders to ensure that the College promotes equality in everything that we do.

Section 6 - Monitoring and Review Procedures

The legislation outlined in the legal framework section places a statutory duty on the College to monitor and review:

- any adverse or differential impact on equality for staff and learners of different protected groups
- by reference to those protected groups, the admission and progress of students and the recruitment and career progress of staff

The College has a duty to publish the results of the monitoring undertaken.

Equality and Diversity monitoring will be extended to include data necessary to assess adverse impact on people who share a protected group.

The College is aware that disclosing information about protected characteristics can be a very sensitive issue and will follow advice and good practice. Privacy, confidentiality and anonymity will be paramount. The College hopes that the equality and diversity data collected will be used to create positive change.

Organisations contracted to deliver College services will also have to demonstrate their commitment to comply with their responsibilities under equality legislation.

The Head of HR and Senior Management Team will oversee the development and implementation of the SES and Action Plan, with support from the Equality & Diversity Co-ordinator. There is a commitment to update the Action Plan annually, and to revise the SES at least every three years.

Responsibility for monitoring and reviewing the implementation of both documents will rest with the Equality and Diversity Committee, reporting to the College Senior Management Team and ultimately the Corporation. Information will also be shared with all staff, students and other stakeholders to facilitate improvements aimed at proactively developing positive actions in relation to groups sharing protected characteristics.

The College Strategic Plan also operates on a three-year cycle, and it is intended that the SES will be complementary to this development and planning cycle.

Section 7 - Reporting Procedures

The College has a statutory duty to report annually on the scheme's progress. An annual report will be presented to the College Corporation and Student Council on the implementation of the SES. A revised SES Action Plan will also be presented to the SMT, Corporation and Student Council each year, reflecting the work completed in the previous plan.

Copies of the SES, Action Plan, Annual Report and Public Sector Equality Duty Report will be published on the College website and intranet. All information will also be made available in alternative formats on request.

Section 8 - Complaints Procedures

The College welcomes contact from stakeholders, individuals and/or organisations that wish to discuss any issues relating to the SES. All complaints or concerns will receive a response in line with the College Complaints Procedure. Further details can be obtained by contacting Reception on telephone number 0151 652 5575. Further details about the Complaints Procedure can be located on the College website at www.bsfc.ac.uk