

EQUALITY AND DIVERSITY POLICY (STUDENTS)

1. Introduction

1.1 The Notting Hill Academy of Music (NHAM) recognises and encourages the valuable and enriching contribution of all who work within NHAM and the rights of all individuals who come into contact with NHAM, such as prospective students and other stakeholders. This policy provides the overarching institutional vision, values and commitments in relation to equality and diversity. It has been written to reflect changes in equality legislation including the Equality Act 2010.

1.2 We are committed to advancing equality of opportunity, respecting and celebrating differences, eliminating discrimination, harassment and victimisation and fostering good relations between all who work or learn at NHAM, or use our services. We recognise that all have a right to equality of opportunity regardless of the nine characteristics covered by the Act:

- i. Race
- ii. Disability
- iii. Gender
- iv. Age
- v. Sexual Orientation
- vi. Religion and belief
- vii. Gender Re-assignment
- viii. Pregnancy/maternity
- ix. Marriage/civil partnership

1.3 Other aspects of a person's identity, background or circumstances can cause them to experience discrimination, for example a person's socio-economic status, class or background. NHAM is committed to advancing equality and eliminating discrimination on these and other grounds.

1.4 Equality and diversity is central to all we do and all college students and stakeholders will be made aware of NHAM's Equality and Diversity (Students) Policy.

2. Principles

2.1 This Policy is underpinned by principles to which all NHAM students and stakeholders should adhere, namely:

- a. To create an environment in which individual differences and the contributions of all our staff and students are recognised and valued;
- b. That successful implementation of the Equality and Diversity (Students) Policy is the responsibility of all college students and stakeholders;
- c. That all students and other stakeholders of NHAM will be treated with fairness, respect and sensitivity;
- d. To aim to create and maintain a working and learning environment where all will have the opportunity to fully participate in order to achieve their full potential in a climate free from discrimination, bullying or harassment.

2.2 Breaches of this Policy will be regarded as misconduct and could lead to disciplinary proceedings.

2.3 The Equality Act 2010 recognises the following types of discrimination (please see Appendix One for further information):

- Direct discrimination, including associative and perception discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from disability
- Failure to make reasonable adjustments
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3. Scope

3.1. This Policy applies to all students and visitors to NHAM. Where students are working at premises other than college locations they will be subject to the Policy. The Policy covers behaviour in the Virtual Learning Environment, by email and other social media.

4. Implementation

4.1 The Equality Act 2010 introduced a Public Sector Equality Duty, in force from April 2010, which requires NHAM to give due regard to:

- a. Eliminating discrimination, harassment or victimisation;
- b. Advancing equality of opportunity;
- c. Fostering good relations.

4.2 Implementation of this Policy is managed via the NHAM plan which will take account of NHAM's commitment to Equality and Diversity and seek to implement its provisions.

5. Responsibility for Implementing the Policy

5.1 NHAM will ensure that its strategic plan has a commitment to equality and diversity; that they receive and review reports on student equality and diversity; that they agree relevant equality targets and impact measures and monitor progress towards these.

5.2 The Principal will take an active and visible lead in driving forward equality and diversity; provide reports; oversee implementation of this Policy and ensure equality and diversity data is embedded within self-assessment reports and development plans.

5.3 This Policy will be kept under review and revised in response to feedback or as circumstances change; evaluation and comment are welcomed from interested parties.

6. Monitoring

6.1. The effectiveness of this Policy in ensuring we are meeting our commitments will be monitored through the regular collection and analysis of data that should be as unobtrusive to individuals as possible, commensurate with this objective.

6.2. College monitoring of the implementation and effectiveness of the Policy will be the responsibility of the Principal and will be undertaken on its behalf by the Education Administrator/Registrar, who will also be responsible for the gathering and analysis of data as required. Outcomes from analysis of information collated will inform self-assessment processes and NHAM improvement plans. Regular reports assessing NHAM's progress in meeting commitments and improving practice will be submitted to the Principal, together with equality improvement targets.

7. Tackling Discrimination, Harassment and Victimisation

7.1 We will:

- a. Actively challenge and tackle all forms of prejudice, discrimination and stereotypical attitudes;
- b. Deal with all allegations of discrimination, harassment and victimisation sensitively and investigate promptly, fairly and thoroughly;
- c. Treat any form of discrimination, harassment or victimisation carried out by an individual as a matter for possible disciplinary action. This includes harassment by a third party.

8. Publicity

8.1 The image NHAM projects of itself in its promotional material, advertising and public relations activity, sends messages about the people NHAM expects and wishes to serve. NHAM's publicity will be regularly reviewed to ensure that:

- i) it is non-discriminatory to any group or individual;
- ii) it is provided in hard copy and electronic forms to ensure that information is widely available and accessible by individuals with a range of needs
- iii) it gives a positive image of a place which welcomes everyone for education and training;
- iv) applications from members of disadvantaged/under-represented groups are actively encouraged into areas where such groups might be under represented.

8.2 Every effort will be made to ensure that appropriate publicity reaches all groups in the community, enabling the widest possible recruitment.

8.3 All NHAM users and potential users should be made aware of:

- a. the available study support;
- b. the services available within NHAM to support students with learning difficulties and/or disabilities;
- c. NHAM counselling and guidance services; d. the availability of careers guidance.

9. Student Recruitment

9.1 The process of gaining admission to NHAM courses will be clearly expressed and structured. Prospective students will be offered support and guidance at all stages.

9.2 During the admissions process, students will be asked about their ethnic origin and any learning difficulties and/or disabilities. This information will be used only for the purposes of providing support, for monitoring and as a reference when considering necessary modifications to curriculum, marketing activities, buildings and equipment.

9.3 No NHAM employee will discriminate unfairly, directly or indirectly, in the guidance and recruitment of students.

9.4 Students with learning difficulties and/or disabilities will be given the opportunity to discuss ways of overcoming any problems of access (in its widest sense, including access to the curriculum) and should be actively involved in problem solving.

10. Curriculum and Access to the Curriculum

10.1 NHAM is an open access institution that seeks to offer learning opportunities to all, whatever their previous level of achievement.

10.2 Course Handbooks, syllabuses, specifications and resources will be regularly examined to ensure they do not discriminate, directly or indirectly, against any student group. They should be enhanced by including positive acknowledgement of the contributions made to society by a diversity of cultures.

10.3 Courses should be accessible to as wide a range of students as possible by enhanced flexibility in both delivery and timing.

10.4 Learning Support will be made available to all students requiring it, subject to resources.

10.5 Ways of modifying curriculum delivery to allow access to classes for individuals with learning difficulties and/or disabilities should continue to be sought.

10.6 Assistive technologies may be developed and deployed to assist and enhance the participation of students with disabilities and impairments in their use of learning opportunities.

10.7 Learning opportunities will be provided for targeted groups to facilitate access and opportunity.

10.8 Procedures for accreditation and assessment will, wherever practicable, be flexible and responsive to the needs of the whole range of students who attend NHAM.

10.9 NHAM supports the entitlement, for the whole NHAM community, to information, guidance and counselling, which will enable individuals to manage their personal development.

11. Complaints or Grievance

11.1 Any student, customer or client who feels they are being discriminated against for reason of disability, gender, ethnic origin, age, socio-economic group or sexual orientation should raise the matter formally or informally, as appropriate, with one of the following, in the first instance:

- Their Personal Tutor
- The Principal
- The Education Administrator/Registrar

11.2 The Student Complaints and Grievance Procedure is available for cases of alleged discrimination against students.

11.3 All complaints will be taken seriously by the person receiving them and the appropriate process will be followed to respond to the complaint. Principal will review all complaints regularly and provide an annual report.

12. NHAM Environment

12.1 By adapting and modifying the environment and facilities, where appropriate, NHAM will strive to make students, staff, customers and visitors feel welcome.

12.2 Offensive material of a discriminatory nature will not be displayed in any part of NHAM.

12.3 NHAM communications and publication (internal and external) will not use language or images which are potentially discriminatory against any group or individual.

12.4 NHAM will strive to comply with the requirements of all current legislation relating to the access rights of people with disabilities.

13. Review

13.1 The Principal will review the Policy annually, monitor its effectiveness and measure its impact. Their findings will be reviewed annually as part of the annual report.

APPENDIX ONE

1. Legislation

1. The Equality Act 2010 replaced existing anti-discriminatory legislation including:

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

1.2 The Equality Act requires equal treatment in access to employment, as well as private and public services regardless of the nine protected characteristics.

1.3 The Equality Act 2010 recognises the following types of discrimination:

- Direct discrimination, including associative and perception discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from disability
- Failure to make reasonable adjustment

1.4 These are explained in more detail below:

- (i) **Direct Discrimination** happens when someone is treated unfairly or less favourably than another person because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice. The Equality Act 2010 extended the definition of direct discrimination to cover associated discrimination. This is direct discrimination against someone because he/she associates with another person who has the protected characteristic. The Act also extends the definition of direct discrimination to cover perception discrimination. This is direct discrimination against someone because others think they have a particular protected characteristic. It applies even if that person does not have the particular protected characteristic.
- (ii) **Indirect Discrimination** happens when a person imposes or proposes to impose a requirement, condition or practice, that has, or is likely to have, the effect of disadvantaging people with a protected characteristic and which is not reasonable. The Act harmonises the definition of indirect discrimination across protected characteristics (with the exception of pregnancy/maternity). Although pregnancy and maternity are not covered by indirect discrimination, policy and practices that disadvantage pregnant women and new mothers could constitute indirect gender discrimination.
- (iii) **Harassment** is defined as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity, or creating an intimidatory, hostile, degrading, humiliating or offensive environment for that individual:
- Related to a protected characteristic (except pregnancy/maternity or marriage/civil partnerships);
- Or

- Of a sexual nature (sexual harassment) or where a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or to gender reassignment (this is known as consequential harassment).

The Equality Act enables volunteers to have the same rights against sexual harassment as those who are paid employees.

The Act does not specifically cover harassment on the grounds of pregnancy/maternity or marriage/civil partnerships. However, direct discrimination prohibits treatment such as bullying or harassment which results in a person being treated less favourably.

The Act changed the definition of harassment from unwanted conduct “on the grounds of” to “related to”. This means that people who are offended by the conduct even if it is not specifically aimed at them are covered. Also the definition protects in relation to association or perception. For example someone may be harassed because they are perceived to be gay or their partner is disabled.

Harassment by a third party: employers are potentially liable for harassment of their staff by people they do not employ. (is this if the person who is doing the harassing is on NHAM premises?)

- (iv) **Victimisation** occurs when someone is treated unfairly, or less favourably, because they have supported someone in making a complaint or an allegation of discrimination under the Equality Act, or because they personally have made an allegation of discrimination. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
- (v) **Discrimination** arising from disability. Previous legislation recognised this type of discrimination. However, the Act replaces this with two new causes of action in relation to disability – indirect discrimination (see above) and discrimination arising from a disability. The latter occurs when a person with a disability is treated less favourably because of something connected to their impairment, medical condition or specific learning difficulty. Additionally, indirect discrimination now covers people with a disability.

A disabled person under the Act is anyone with “a physical or mental impairment which has a substantial long-term adverse effect upon their ability to carry out normal day-to-day activities.”

Under legislation NHAM has the following duties:

not to treat disabled students or employees less favourably for a reason related to their disability to make reasonable adjustments to accommodate disabled students and employees

- (vi) Failure to make reasonable adjustments happens when an organisation fails to make reasonable adjustment for a disabled person to avoid the disabled person being placed at a substantial disadvantage when compared to a non-disabled person.

Direct Discrimination, harassment, victimisation and failure to make reasonable adjustments can never be justified. Indirect discrimination and discrimination arising from a disability may be permissible if an organisation can “objectively justify” that their actions are a proportionate means of achieving a legitimate aim.

It should be noted that:

1. it is unlawful for anyone to instruct, or attempt to induce, or aid another to discriminate, harass or victimise.
2. it is normally unlawful to publish an advertisement or notice which indicates an intention to discriminate.
3. the law is not interested in the motives behind specific action, but simply in the facts.

Positive Action

The Equality Act permits certain kinds of positive action if an employer thinks that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low. The Act allows an organisation to take a protected characteristic into consideration when deciding who to recruit or promote. However, this can only be done when candidates are “as qualified” as each other for a particular vacancy. Evidence would need to be shown that people with that particular characteristic face particular difficulties in the organisation or are disproportionately under-represented in the organisation where there is a vacancy. In these circumstances the fact that a candidate has a protected characteristic can be used as a tie breaker when determining who to appoint. Job seekers who share a protected characteristic may not, however, be automatically treated more favourably in recruitment and promotion decisions.

3. Genuine Occupational Requirement (GOR)

3.1 It may be lawful for an employer to treat people differently when recruiting in very limited circumstances. If an employer can show that someone with a particular protected characteristic (on grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion/belief, gender or sexual orientation) is suitable to the job, then the employer can insist that only someone who has that particular protected characteristic is suitable for the job. This would be a genuine occupational requirement (GOR). GORs must be reviewed each time the job becomes vacant, as circumstances may change. For example, an actor playing a character of a particular age may be selected for a play or a GOR may exist where the position involves providing welfare services to people of a particular racial group, where services can most effectively be provided by a member of the same racial group due to their understanding of cultural needs and sensitivities.

3.2 More information on the above can be obtained from the HR Department in the first instance. The Equality and Human Rights Commission are contactable on www.equalityhumanrights.com or 0800 800 0082.