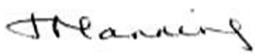






Equality and Diversity Policy

Policy Ref: TMP3v6

This policy will not discriminate either directly or indirectly against any individual on grounds of sex, race, ethnicity or national origin, gender, sexual orientation, marital status, religion or belief, age, disability, socioeconomic status, offending background or any other personal characteristic.

	Name	Title	Signature	Date
Prepared by	Jackie Manning	Principal		July 2024
	Colin Foster	Assistant Principal		July 2024
Approved by	Martin Heaton	CEO		July 2024

Does this Policy require publishing on the College Website? **Yes**

Does this Policy require approval by Board of Governors? **Yes**



Equality and Diversity Policy

Policy Ref: TMP3v6

Record of Changes

Version	Issue Date	Changes	Initials
v1	July 2019	Initial issue	JM/CF
v2	July 2020	General procedural review, references updated, formatting changes	JM/CF
v3	July 2021	Annual review, references checked and updated	JM/CF
v4	July 2022	Annual review, references checked and updated	JM/CF
v5	July 2023	Annual review, references checked and updated	JM/CF
V6`	July 2024	Annual review, references checked and updated	JM/CF

Board of Governors Approval History

Version	Approved by	Signature	Date
v4	Dominic Kohl, Chairman of the Board of Governors		July 2022
V5	Peter D. Liptrot, Board of Governors		Oct 2023

Date of Next Policy Review: July 2025

Definition

Throughout this policy document **TMP Studios CIC** is referred to as 'TMP College'.

This Equality and Diversity Policy is also known as the Single Equality Scheme Policy.

Introduction

TMP College is committed to ensuring that equality and diversity is promoted and championed throughout every aspect of our operations and that we fully comply with the requirements of all current, relevant legislation.

TMP College has developed a *Mission, Vision and Values Statement* which embeds Equality and Diversity. The aim of this Single Equality Scheme Policy is to support TMP College's mission by ensuring that learners' learning experiences are of high quality and meet their diverse needs.

This Single Equality Scheme Policy Document is aimed at:

- Learners (present and future).
- Parents and carers of learners (present and future).
- Staff (present and future).
- Visitors (including customers).
- Relevant external stakeholders.

Further details of relevant legislation are provided in Appendix 1 of this Policy Document.

Purpose of a Single Equality Scheme

The main aim of a Single Equality Scheme is to provide a robust strategy to prevent discrimination as well as allowing organisations to promote equality by producing actions which tackle the inequalities faced by its people.

The Equality Challenge Unit, in its paper *The Production of Single Equality Schemes*, states the following as advantages of producing a Single Equality Scheme:

- Single Equality Schemes can help to rationalise processes.
- They can help to identify meaningful priorities.
- Help to align equality strategy with the overall organisation strategy.
- Align various pieces of equality legislation in one easy to understand document.
- Help make it easier to engage with staff.

TMP College's Approach to Achieving and Promoting Equality and Diversity

In order to support TMP College's commitment to equality and diversity and to meet the requirements of current legislation, this Equality and Diversity Policy has been devised.

In light of the Equality Act 2010¹ the scheme has been developed so as to include all the identified protected characteristics.

This Equality and Diversity Policy will help to achieve a framework for action across all protected characteristics, and will help us to communicate and manage equality responsibilities and targets.

This Equality and Diversity Policy demonstrates our commitment to go beyond compliance with the legislation, and to move towards embedding equality and diversity by bringing together our work into one place and to ensure our targets are met.

This policy is formally reviewed every year. However, it will remain an evolving document, responsive to new developments and legislative changes.

This Policy is published on TMP College's website at <https://tmpcollege.co.uk/>.

Responsibility for The Single Equality Scheme

Responsibility for mainstreaming equality and diversity issues within the training environment rests with staff and learners of TMP College.

All teaching staff and admin staff have direct responsibility for promoting equality, diversity and good relations and in challenging any form of discrimination within their areas. These responsibilities will include:

- giving due consideration to equality issues when implementing or changing policies, procedures, plans or practices;
- providing appropriate training and development in relation to equality and diversity; and
- establishing structures for effective implementation and monitoring of the Single Equality Scheme ensuring that any issues of discrimination and/or breaches of policy are dealt with through appropriate procedures.

The Management Team has a responsibility to provide clear leadership in the effective application of the Single Equality Scheme and to ensure legal compliance.

Progress in achieving the aims and objectives of the Equality and Diversity Policy is overseen by the management team. Progress against actions to achieve its effective application will be monitored at annual reviews and through self-assessment. They will provide mechanisms through which the strategic objectives for equality and diversity can be delivered.

¹ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Specific behaviours and responsibilities are identified below:

Governors' Responsibility

It is the responsibility of the Governing Body to provide mechanisms through which the College's strategic objectives for equality and diversity can be delivered and to work in partnership with our partners to agree a fair and equitable division of responsibility under current and future equality legislation.

The Principal

The Principal is responsible for providing a consistent and high profile lead on all Equality and Diversity issues and ensuring the effective application of the equality and diversity policy and its procedures. The Principal will:

- provide a strategic lead and direction for the College.
- ensure that all learners and staff are enabled to achieve their full potential, irrespective of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- ensure that the College is seen as a beacon of best practice within the community.

TMP College's Senior Management Team is required to:

- disseminate good practice.
- ensure that admissions criteria do not discriminate against or unnecessarily exclude any individual or group of learners (where appropriate).
- monitor course data to address any issues of under-representation or under-performance by any group of learners.
- ensure that learners are aware of their responsibilities and rights in respect of discrimination, victimisation, harassment and bullying and of the procedures for making complaints.
- take appropriate and immediate action in the event of incidents of harassment, bullying, victimisation, or discrimination.
- be aware of the variety of learners' personal circumstances and difficulties which may impede learning and the appropriate referral points available.
- provide guidance and referrals to additional support services.
- fully address equality and diversity issues in course self-assessment and development plans
- ensure that plans for new courses and curriculum development take account of the Single Equality Scheme requirements.
- ensure that staff recruitment, training, promotion and work practices conform with the Single Equality Scheme.
- ensure that staff are aware of the Single Equality Scheme and of their specific responsibilities.
- address equality and diversity issues in staff appraisal.
- address equality and diversity issues through staff development.

Tutors and Learning Support Staff are required to:

- have high expectations of all learners regardless of their age, disability, race, religion or belief, gender, gender re-assignment, sexual orientation, pregnancy and maternity or any other grounds.
- ensure that curriculum materials do not exclude any individual or group of learners.
- use teaching materials, content and methods, where possible, which take account of the diverse learning needs, styles and preferences of learners.
- create a classroom ethos and learning environment which is inclusive and enables all learners to feel comfortable and is conducive to learners realising their potential.
- provide guidance and referrals of learners to additional support services.
- adopt marking policies and assessment methods which treat all learners impartially and do not discriminate against any individual or group of learners.
- take appropriate and immediate action in the event of incidents of harassment, victimisation or discrimination and if necessary, alert or involve more senior staff
- address any issues of stereotyped attitudes and prejudiced thinking in order to develop learner awareness of the basic concepts of equality and diversity.

Learners:

- have high expectations of the College to tackle discrimination and promote equality and diversity.
- treat all staff, learners and visitors with respect at all times.
- abide by the Single Equality Scheme at all times.
- report incidents of harassment, victimisation or discrimination to a member of college staff

Appendix 1

Legislative Background

The following pieces of legislation are central to our Equality and Diversity Policy.

The Equality Act 2010

On Friday, 24 April 2009 the Equality Bill was introduced in the House of Commons. The stated aim of the Bill is to 'harmonise discrimination law, and to strengthen the law to support progress on equality'. The Bill replaced all existing equality legislation, including the Equal Pay Act.

The Bill looked to strengthen the law in a number of key areas by:

- creating a general public duty.
- extending the range of lawful positive action to overcome or minimise a disadvantage arising from a protected characteristic.
- extending the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic.

The bill received Royal Assent on 8th April 2010 and become the Equality Act (2010) in October 2010. The Act was to be phased in gradually from this date, with the majority of the planned changes taking effect from April 2011, including the introduction of a general public sector equality duty and specific duties.

The equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race – this includes ethnic or national origin, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

The general duty requires education and training providers to have due regard to the need to

- eliminate discrimination, harassment, and victimisation.
- advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
- foster good relations between persons who share a protected characteristic and persons who do not share it.

The Equality Act consolidates existing law into a single legal framework and while many of the concepts of discrimination remain the same, as in previous equality legislation, there are some areas that were not previously covered. The following paragraphs describe the various types of discrimination and how they may apply to the Further Education provision:

- *Direct Discrimination* - occurs when a person is treated less favourably than another on the grounds of any of their protected characteristics.
- *Discrimination Based on Association* - occurs when a person is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity). This might occur when a person is treated less favourably because their sibling, parent, carer or friend has a protected characteristic.
- *Discrimination Based on Perception* - occurs when a person is treated less favourably because it is mistakenly thought or presumed that they have a protected characteristic (other than pregnancy and maternity).
- *Indirect Discrimination* - occurs when a provision, criterion or practice is applied in the same way for all, but this has the effect of putting individuals/groups sharing a protected characteristic at a particular disadvantage. Indirect discrimination will occur if the following four conditions are met:
 - the provision, criterion or practice is applied (or would apply) equally to all, including individuals/groups with a protected characteristic.
 - the provision, criterion or practice puts or would put individuals sharing a protected characteristic at a particular disadvantage compared to those who do not share that characteristic.
 - the provision, criteria, practice or rule puts or would put the particular individual/group at that disadvantage.
 - it cannot be shown that the provision, criteria or practice is justified as a “proportionate means of achieving a legitimate aim”.

What is a ‘proportionate means of achieving a legitimate aim’? To be legitimate, the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of further and higher education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of learners.

Even if the aim is legitimate, the means of achieving it must be proportionate. Proportionate means appropriate and necessary, but necessary does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the justification, if there are other good reasons for adopting the chosen practice.

Types of discrimination under the Equality Act, in context of Further Education provision (cont...)

- *Discrimination Arising from Disability* - occurs when a disabled person is treated less favourably because of something connected with their disability and such treatment cannot be justified.

Such discrimination is different from direct discrimination as direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the reason for the treatment does not matter; the question is whether the disabled person has been treated unfavourably because of something connected with their disability.

Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the disabled individual or for the disabled person to compare himself or herself with anyone else.

Discrimination arising from disability will occur if the following three conditions are met:

- a disabled person is treated unfavourably, that is putting them at a disadvantage, even if this was not the intention.
- this treatment is because of something connected with the disabled person's disability (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour.
- the treatment cannot be justified by showing that it is "a proportionate means of achieving a legitimate aim".

If the following can be shown, then the unfavourable treatment does not amount to unlawful discrimination arising from disability.

- it was not known that the disabled person had the disability in question.
- it could not reasonably have been expected to know that the disabled person had the disability.

Acting quickly to identify and put in place reasonable adjustments for disabled people, will often avoid discrimination arising from disability. However, there may be cases where an adjustment is unrelated to the unfavourable treatment in question. If failing to make an appropriate reasonable adjustment, it is likely to be very difficult to argue that the unfavourable treatment is justified.

- *Harassment* - is the unwanted conduct that has the purpose or effect of violating the person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Conduct of a sexual nature is specifically included within the definition, although marriage/civil partnerships and pregnancy/maternity are not included as protected characteristics for harassment. As an employer the College is required to take reasonably practicable steps to prevent a third party (i.e., someone other than a manager or other employee) from harassing an employee.

Types of discrimination under the Equality Act, in context of Further Education provision (cont...)

- *Victimisation* - occurs when a person is treated badly because they have made, supported or raised a complaint or grievance under the Equality Act; or because they are suspected of doing so. A person is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.
- *Positive action* - is when action is taken specifically to help someone who has a protected characteristic. There are several different reasons why it may be appropriate to take some sort of positive action, for instance if a person is suffering some kind of disadvantage linked to that characteristic, or if they have particular needs, or if people with that characteristic are under-represented in an activity or a type of work.

One form of positive action is encouraging or training people to apply for jobs or take part in an activity in which people with that characteristic are under-represented. This may be done by means of training courses, mentoring schemes or even open days or other events to show people what a particular job or activity is really like.

Another type of positive action is where someone providing goods or services targets a group who share a protected characteristic because they have particular needs linked to that characteristic. Whilst it is easier under the new law for employers and service providers to take positive action, taking any form of positive action is entirely voluntary and organisations only need do this if they want to.

The Equality and Human Rights Commission (EHCR) and Single Equality Schemes

The ECHR (formerly the Commission for Racial Equality, Equal Opportunities Commission and Disability Rights Commission) recognises that institutions may prefer to produce Single Equality Schemes to meet the requirements of the various equality areas rather than producing separate schemes relating to individual equality strands and as such it would enable institutions to bring a holistic approach when producing an action plan in their response to meeting the various equality duties.

Following the publication of the Government response in January 2010 to the 2009 Equality Challenge Unit (ECU) consultation on the specific duties, the Government published a policy review paper on 17th March 2011 which proposed that the implementation of the specific duties should be delayed. The government state that:

'...we have considered the draft regulations further in the light of our policy objective of ensuring that public bodies consider equality when carrying out their functions without imposing unnecessary burdens and bureaucracy. As a result, we think there is room to do more to strip out unnecessary process requirements. Today we are publishing a policy review paper seeking views on new draft specific duties regulations'

The Government have therefore proposed that the specific duties should be:

- Publish equality objectives every four years (to be implemented by April 2012).
- Publish information annually to demonstrate their compliance with the general equality duty (December 2011), in particular, publish information relating to their employees (for bodies with 150 or more staff) and others affected by their policies and practices (such as service users).