

DISABILITY EQUALITY POLICY

1. Executive summary

South Nottingham College's commitment to equality, diversity and inclusion means ensuring that disabled people receive services, consultation and employment opportunities in a fair non discriminatory way. This means recognising, accommodating and valuing diversity across the College and the community with which the College works.

The College's aim is to create an environment where people give of their best, allowing them to develop and grow and achieve their full potential. The College aim to achieve this commitment by treating the College community equitably, and by removing barriers to advancing a cohesive community and a culture of fairness. This policy details the College's position with regard to disability equality in the College, and it is supported by a comprehensive overall Equality, Diversity and Inclusion Policy, a suite of Equality Policies, Employment Policies and a 3 year Equality, Diversity and Inclusion Action Plan

The Equality Act 2010 protects people at work as employees, and people using a service from disability related discrimination, harassment and victimisation. The College's commitment to advancing equality of opportunities as an employer and education provider goes beyond legislative compliance to promoting positive relationships with all stakeholders, partners and the local community to sustain a shared commitment to disability equality.

2. Legislative definition of disability

2.1 The definition of 'disability' in the Equality Act 2010:

'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.'

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial;
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months;
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

People who have had a disability in the past that meets this definition are also protected by the Act.

People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis.

People with some visual impairments are automatically deemed to be disabled.

2.2 Duty to make 'Reasonable Adjustments'

The Equality Act 2010 places a duty on the public, private and voluntary sectors to make reasonable adjustments to enable disabled people to carry out their 'normal day to day activities. This duty applies to education providers and employers, to enable disabled people to access learning and working opportunities fairly.

In the context of South Nottingham College, this duty applies to:

- Learners
 - Prospective (in relation to recruitment and admissions)
 - Current (including those absent or temporarily excluded)
 - Former (if there is a continuing relationship based on them having been a learner at the College)
 - On full or part time courses

- Employees
 - Prospective (in relation to recruitment)
 - Current (including those absent or temporarily dismissed)
 - Former (if there is a continuing relationship based on them having been an employee at the College)
 - On a permanent or fixed-term contract, both full and part-time.

- Partners

- Visitors

Reasonable adjustments should be made to avoid disabled people being put at a disadvantage compared to non-disabled people. The duty to make reasonable adjustments applies to learning and working arrangements or physical aspects of the learning and working environment.

Reasonable adjustments might include:

- Adjusting the premises
- Replacing steps with a ramp
- Allocating some of working duties to another person
- Altering working hours
- Allowing time off for treatment

- Providing materials and resources in alternative format
- Providing auxiliary learning or working aids (e.g. hearing loops)
- Provision of adaptive technologies

The College will discuss with the disabled learner or employee and relevant experts what reasonable adjustments are needed. If there is not sufficient expertise available in the College to deal with a particular reasonable adjustment, the College will seek the advice of relevant specialist organisations.



South Nottingham College's commitment to disability equality is reflected in the College's position in holding the '2 ticks positive about disabled people' mark.

An employee or learner at South Nottingham College will have full protection once they have disclosed their disability to an appropriate member of staff (HR, line manager or tutor).

3. Legislative definitions of disability related unlawful behaviour

- **Direct discrimination** - treating a person less favourably than another in comparable circumstances because of a disability.
- **Associative discrimination** is direct discrimination against someone because they are associated with a disabled person. This includes carers of disabled people, who can claim they were treated unfairly because of duties that they had to carry out at home relating to their care work.
- **Discrimination by perception** is direct discrimination against someone because others think they are disabled when they are not.
- **Indirect discrimination** - putting in place a policy or practice that has a differential (positive or negative) impact on disabled people, when this cannot be objectively justified.
- **Discrimination arising from disability** - treating a disabled person unfavourably because of something connected with their disability when this cannot be objectively justified. For example, prohibiting an employee from taking time off or breaks for medical treatment.
- **Failing to make reasonable adjustments** – Employers and service providers have a duty to make reasonable adjustments for disabled employees and service users to enable fair access. This duty is anticipatory and must be reviewed on a regular basis to ensure adjustments made are appropriate. Failing to do so is direct disability discrimination.

NB. There are exceptional circumstances which legitimise some forms of discriminatory practices. The Equality Act 2010 gives a definition which describes legitimate justification.

- **‘A proportionate means of achieving a legitimate aim’**

To be legitimate the aim of the provision, decision or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of South Nottingham College, examples of legitimate aims might include:

- Maintaining academic and / or business standards
- Ensuring the Health & Safety and Welfare of stakeholders

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 or practice is the only possible way of achieving the legitimate aim.

- **Harassment and bullying**- unwanted conduct which has the purpose or effect of violating someone’s dignity, or which is hostile, degrading, humiliating or offensive to a disabled person.
- **Victimisation** - treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting someone who is doing so.

4. Introduction

- 4.1 This policy applies to all those involved in South Nottingham College, whether as a learner on a full time or part time course, visitor or employee on a permanent or fixed-term contract, both full and part-time.
- 4.2 The College’s commitment to treating everyone fairly regardless of specific disability related needs is fundamental to the provision of a quality service to learners and a cornerstone to good employment practices.
- 4.3 South Nottingham College seeks to ensure the inclusion of everyone and that disabled people have equal rights, opportunities and are treated fairly with dignity and respect in accordance with the legislation. In so doing, the College recognises that disability related discrimination is prevalent within today’s society, and is committed to challenging all forms of discrimination, harassment, victimisation and bullying because of a person’s disability in employment practices and in service provision in accordance with the Equality Act 2010.
- 4.4 The College is proud of its rich diversity and is committed to the fair treatment of all visitors, learners, partners and employees. The College will practise inclusion in the operation and implementation of all its policies and business functions. The College will treat all visitors, learners and employees with respect and dignity, and seek to provide a positive learning and working environment free from all forms of disability related discrimination, harassment, victimisation and bullying.

- 4.5 The College recognises the valuable contributions made by all in terms of the quality of experiences brought to learning, teaching, support services, research, consultancy, administration and management. It advocates adult and lifelong learning and expects to benefit from employing disabled workers at all levels of responsibility and across all areas of work.
- 4.6 The College will seek not only to eliminate disability related discrimination, but also to create a working environment based on good relations between disabled people and non disabled people. To this end, the College undertakes to provide diverse images in any material which it produces, including positive images of people with a range of disabilities. The aim is to create a positive inclusive ethos with a shared commitment to challenging and preventing stereotyping, prejudice and disability related discrimination, to respecting diversity and difference, and to encouraging good relations between diverse groups of people.
- 4.7 Most of the detail of this policy relates to those employees and learners who have declared a disability. However, the College will seek to fulfil its duty of care to those employees and learners who do not declare a disability, but who the College as employer and educator could reasonably have been expected to know of the existence of a disability.
- 4.8 The College will accept all reasonable recommendations made after an assessment carried out under the Access to Work Scheme, and will make all the required contributions towards the cost of providing the recommended reasonable adjustments.
- 4.9 The College is committed to providing resources to plan, implement, monitor, review and further enhance this policy to ensure that all employees, learners and visitors are part of a working and learning environment in which disability equality is respected, and in which any form of discrimination is eliminated.
- 4.10 The College will review and impact assess all of its policies to ensure that its working practices are consistently fair and show no potential for disability related indirect discrimination.
- 4.11 An employee or learner who perceives that they have been the victim of discrimination shall have full right of protection under the College's procedures.

5. Legislative duties

- 5.1 The Equality Act 2010 harmonises all previous anti discrimination legislation into one Act. The Act has extended the scope of disability related discrimination, which is detailed at the top of this policy under 'Definitions of disability related unlawful behaviour'.
- 5.2 Provisions of previous disability related legislation are still relevant under this new Act, including The Disability Discrimination Act (DDA) 1995 and the amendments of 2005 which placed a duty to promote disability equality on education providers.
- 5.3 The Equality Act 2010 extends previous legislation to duties on education providers and other public sector bodies including Local Authorities, YFA, YPLA, HEFCE and Ofsted. The duties cover the requirement to anticipate and respond to the individual needs of disabled people and a duty under which organisations must become proactive agents of change.

6. Equality provisions for learners

This policy outlines South Nottingham College's provisions of the Equality Act 2010 which prohibit discrimination, harassment and victimisation against;

- Prospective learners (in relation to admissions arrangements)
- Current learners (including those absent or temporarily excluded)
- Former learners (if there is a continuing relationship based on them having been a learner at the College)

6.1 Recruitment and admissions

Any process, criteria or decision which excludes people with a particular protected characteristic without justification is unlawful discrimination. Direct discrimination however can be lawful, where imposing a particular requirement is a proportionate means of achieving a legitimate aim.

- 6.1.1 South Nottingham College will not unlawfully discriminate against, harass or victimise an individual because of a protected characteristic in;
 - recruitment processes;
 - arrangements for deciding who is offered admission as a learner;
 - the terms and conditions on which the College offers to admit the individual as a learner;
 - rejecting an application by a prospective learner.

6.1.2 The College will ensure that all admissions information and application forms are available in accessible formats to ensure that the College is compliant with the statutory reasonable adjustments duty to disabled people.

Exceptions

Genuine occupational requirements

There are exceptions under the Equality Act 2010 in respect of certain occupations whereby they can be lawfully restricted to people of a certain characteristic. It is lawful to treat someone differently as a result of their protected characteristic by refusing to admit them to courses which train people only for such occupations.

6.2 Providing education and access to any benefit, service or facility

The College will not unlawfully discriminate against, harass or victimise any disabled learner in the provision of education, or access to any benefit, facility or service, by excluding them or by subjecting them to any other disadvantage. The College is committed to practicing inclusion in the planning and provision of;

- Academic progression and transfer procedures
The College will not discriminate in the practical arrangements necessary to facilitate the progression or transfer of learners to new and additional courses.
- Assessments and examinations arrangements
- Curriculum design
The way in which the curriculum is taught is crucial to challenging stereotypes and addressing inequality.
- Field trips / Excursions
Arrangements made for external trips and visits will take into account the needs of diverse learners, and reasonable adjustments will be made to facilitate participation.
- Health & Safety procedures
- Learner Induction
- Libraries, study facilities and learning equipment
The College is committed to providing fair access to learning facilities and equipment to learners, and to make adjustment when appropriate.
- Student Services;
Including, advice & guidance, counselling, learning support, welfare services.
- Teaching and learning

6.3 Work placements

Work placement providers based in England have duties as employers under the Equality Act 2010 towards learners.

- 6.3.1 The College will not discriminate in making arrangements with work placement providers and will work closely with provider to make any necessary reasonable adjustments for disabled placement learners.
- 6.3.2 Any reasonable adjustments made for disabled learners will be reviewed regularly with the disabled learner and work placement provider to ensure they are appropriate.
- 6.3.3 If The College is made aware that discrimination has occurred, the College will negotiate with the work placement provider to resolve the issue and where necessary, find an alternative placement.

6.4 Absence

- 6.4.1 The College undertakes to make every effort to ensure that any disabled learner who requires time off for reasons relating to a disability is supported to ensure they are not put at any disadvantage compared with non disabled learners.
- 6.4.2 Requests for time off for reasons related to a disability will be discussed and agreed with Heads of Schools, course tutors and if appropriate a member of the Student Services Team, to ensure learners are fully supported and their needs are clearly understood by relevant staff members.
- 6.4.3 A learner who becomes disabled and declares this to the College will have the right to a meeting with their tutor and a member of the Student Services team, to discuss any arrangements necessary to enable the learner to remain on programme.

7. Equality provisions for staff

7.1 Delivering disability equality in employee recruitment, selection and promotion

South Nottingham College will not discriminate because of disability in the way it Recruits, selects and promotes employees.

7.1.1 The College will ensure that:

- Job descriptions will be drafted to ensure they do not exclude disabled people.

- Recruitment materials will be fully accessible, and made available in a range of alternative formats.
- Interviews will be fully accessible, and reasonable adjustments will be made to allow disabled candidates to attend the interview without being placed at a disadvantage.
- Disabilities and/or impairments will not be used to excuse the non recruitment of candidates who meet the minimum criteria.
- Where candidates have particular needs, consideration will be given to the adaptations needed to enable the candidate to do the job, assuming they meet the essential criteria in the person specification.

7.1.2 The College undertakes that:

- Every effort will be made to redress any under-representation of disabled people by positive action
- All advertisements will include a proactive commitment to equality and include a reference to a short listing guarantee
- All applicants for a vacant post who indicate on their application form that they are disabled, and who meet the essential criteria in the person specification shall be guaranteed to be short listed as stated in the advertisement.

7.2 Appointment

7.2.1 If a candidate is considered suitable for appointment the College will follow the advice given in the Equality Act 2010 Guidance for Employers and the Employment Code of Practice under the DDA to enable a new appointee to carry out the job, providing some reasonable adjustments are made.

7.3 Career development

7.3.1 All employees shall have equal rights to training, promotion and other aspects of career development. Special employment needs will not be used to justify a failure to promote or train any employee.

7.3.2 The College undertakes that all the training and employee development that it provides will be fully accessible to all, including venues, materials and provision of support employees if required.

7.3.3 Human Resources will ask employees who have declared a disability at least once a year if their needs have changed, and if any steps need to be taken to ensure that their development needs are met.

7.4 Continuing employment

- 7.4.1 The College undertakes to make every effort to ensure that an employee who becomes disabled and who wishes to remain in employment is enabled to do so.
- 7.4.2 An employee who becomes disabled and declares this to the College will have the right to a meeting with their line manager, their union representative, and a member of Human Resources. At this meeting, the needs of the employee should be discussed and agreed. Medical advice might also be sought about the employee's needs, which might include a period of paid leave to adjust to changed circumstances [the amount of time to be agreed at the meeting] adaptations to the work environment, job redesign or training.
- 7.4.3 An employee who requests a transfer to part-time work or lighter duties for reasons relating to disability, whether on a short-term or permanent basis, will have their request sympathetically considered in the context of business needs.
- 7.4.4 If an employee develops an impairment which makes it impossible for them to do their existing job, but they wish to be redeployed to a job they can do, the College undertakes to make every effort to redeploy them, including providing training where necessary.
- 7.4.5 Paid time off for medical appointments/treatment will be granted at all times. Employees who can control the timing of their appointments/treatment should consider the needs of the College.

7.5 Part-time working

- 7.5.1 The College recognises that a disproportionate number of its part-time workers are likely to be disabled people. The College therefore accepts that any unequal treatment of part-time workers is likely to have more adverse impact on disabled people than on non disabled people.

7.6 Dismissal

- 7.6.1 The College will ensure that there is no disability discrimination in relation to dismissal of employees. In particular, should a redundancy situation occur, it will ensure that disability is not a factor in the selection of those to be made redundant. For employees who have declared a disability, sick leave shall not be used as a criterion for selecting for redundancy.

8. Complaints of harassment and discrimination

- 8.1 Disability discrimination or harassment is viewed by the College as a very serious offence, which if proven may in certain circumstances lead to the

dismissal of an employee, or, if an employee is harassed by a learner, the expulsion of that learner.

9. Ensuring equality between disabled and non-disabled people.

- 9.1 The College is committed to work to eliminate prejudice and discrimination in employment practices and within the learning environment, as well as to encourage changes in individual behaviour and attitudes, and ensure equality of opportunity and fair treatment for disabled and non disabled people.
- 9.2 The College recognises that, despite legislative attempts to achieve equality, disabled people in society are still subject to discrimination, lack of opportunity and social injustice. They are still disproportionately unemployed, found in lower-paid employment, concentrated into a narrow range of jobs, and under-represented in management jobs in society generally.
- 9.3 The College will try to mitigate the effects of these social trends by taking positive action within the law to recruit prospective disabled learners and to employ a proportionate number of disabled people and monitoring College learner and employee profiles to identify and act upon under representation, retention and progression data.
- 9.4 If the result of employees monitoring shows that there is an under-representation of disabled people at any level within the College, it will review its recruitment, promotion and training practices to ensure they are free of bias, contain no barriers to disabled people and consider advertising in publications more likely to be read by disabled people.
- 9.5 The College recognises that many of the challenges experienced by disabled people are due to lack of understanding of their needs by those around them. The College undertakes to provide disability awareness training to all its employees. This will include examination of the appropriate use of language.
- 9.6 The College will ensure that its publications and publicity material promote positive images of disabled people in both language and illustration. In particular the College's commitment to equality will be highlighted in the Prospectus and Annual Report. The web site will also provide a detailed commentary on each of the College sites to ensure potential disabled learners and employees can make a judgement about the accessibility of the venues.

10 Monitoring and review

- 10.1 The monitoring process will be used to ensure that disabled employees and learners and non-disabled employees and learners are treated fairly, with dignity and respect.
- 10.2 The following data will be collected.

- Learner data
 - Learners with disabilities and Learning Difficulties
 - Application, success and failure rates for admission to courses
 - Retention rates
 - Achievement rates
 - Disciplinary action
 - Complaints by learners or their sponsors
 - Satisfaction surveys

- Employee data
 - Disability
 - Employees in post and work category
 - Type of contract (permanent, temporary agency
 - Training/Employees Development
 - Employees recruitment, development and promotion
 - Grievances, disciplinary and capability cases
 - Satisfaction Surveys
 - Exit Interviews.
 - Pay

10.3 The monitoring data will be used to highlight differences between disabled and non disabled learners and employees and will inform action plans to be developed and measured to address these differences. The data will be provided to the Equality, Diversity and Inclusion Group quarterly, the corporation annually, and the recognised trade unions annually through JCNP.

10.4 The College undertakes, once the results of monitoring are available, to consider targets to reduce any disadvantage suffered by disabled employees or learners and the targets will be published annually in an action plan.

10.5 The College acknowledges that disabled people are to be actively involved in the monitoring process.

11. Equality analysis (Impact assessment)

11.1 All relevant South Nottingham College policies, procedures and practices will be analysed for their impact on disabled people.

11.2 The purpose of equality analyses is both to ensure that the College's decisions and activities do not disadvantage disabled people, and also to identify opportunities to actively promote disability equality.

11.3 The College agrees to set out a timetable for analysing the impact of its policies, procedures and practices in respect of disability. The College will consult with representative groups such as students, the community or recognised trade unions whilst carrying out these equality analyses and similarly to share the results

11.4 The College will publish completed equality analyses, and ensure they are available in accessible formats.

12. Division of responsibilities

All College staff and learners have responsibilities in relation to disability equality and are encouraged to advance awareness of equality and actively challenge all instances of inequality because of disability, thus helping remove barriers to access, achievement and progression.

12.1 The Corporation is responsible for ensuring that:

- The College complies with disability anti-discrimination legislation
- The College's Strategy Plan includes a commitment to disability equality
- The Disability Equality Policy and associated procedures are followed
- Disability Equality training will feature as part of the College's training plan
- It is aware of its statutory responsibilities in relation to disability related legislation as an employer and service provider
- It receives and responds to disability monitoring information on employees and learners

12.2 The Principal is responsible for ensuring that:

- A consistent and high-profile lead is provided in creating a positive, inclusive ethos that challenges discriminatory behaviour on the part of Managers, employees and learners
- He/she is aware of the College's statutory duties in relation to disability related legislation
- All aspects of College activity are sensitive to disability related issues

12.3 The Senior Management Team is responsible for ensuring that:

- The procedure for the recruitment and promotion of employees enshrine best practice in equality of opportunities
- The College's publicity materials present appropriate, positive and non stereotypical messages about disabled people
- Appropriate training and development is provided to support the appreciation and understanding of inclusion
- All aspects of College activity are sensitive to disability related issues

12.4 All employees are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to disability equality

- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of disability diversity
- They challenge prejudiced and discriminatory behaviour, whether deliberate or not, by learners, work placement providers, outside contractors, or other employees whenever practicable
- They respond positively to the needs of disabled colleagues and learners who they come into contact with in the course of their work

12.5 Contractors and service providers are responsible for:

- Ensuring that this policy, and any disability equality clauses in contracts or agreements, are followed.

13. Publicising the college's policy and progress

13.1. To the public (including learners, work placement providers and employees):

- The commitment to disability equality will be highlighted in the Annual Report;
- A summary of the results of the monitoring information will be included in the College's Annual Report, where this does not breach individual confidentiality.

13.2. To employees:

- All employees will receive or have access to a full copy of the policy via the intranet;
- The employee induction process will highlight the College's commitment to disability equality, action to be taken by employees who suffer discrimination and the action to be taken against any perpetrators of such discrimination;
- A summary of the results of the monitoring information will be included in the newsletter. Any published information will have due regard for individual confidentiality.

14. Review and consultation

14.1 This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the College Equality and Diversity Forum or appropriate equivalent body and recognised Trade Unions

14.2 As part of the review the Equality, Diversity and Inclusion Group will seek and take into account the views of stakeholders including the consultation / negotiating arrangements within the College, and appropriate equality bodies.

15. Associated documents

These include, but are not limited to

- Single Equality Scheme
- Equality, Diversity and Inclusion Policy
- Age Equality Policy
- Gender Equality Policy
- Gender Reassignment Equality Policy
- Marriage & Civil Partnership Equality Policy
- Pregnancy & Maternity Equality Policy
- Race Equality Policy
- Recruitment of Ex Offenders Policy
- Religion and Belief Equality Policy
- Sexual Orientation Equality Policy