

City of Wolverhampton College

Background and response to Gender Equality Duty and Gender Equality Scheme

1. Forward/introduction by City of Wolverhampton College Principal

The City of Wolverhampton College aims to promote an inclusive culture which recognises the social and intellectual benefits of the contribution of men and women. The College is committed to its policy of equality of opportunity and access to all who wish to learn and be part of the College community. It is essential that potential and actual students are treated fairly regardless of their gender.

We are a dynamic and forward thinking College committed to the future of our students and staff. The Gender equality Scheme sets out our approach to promote gender equality across the full range of College activities and our three year plan is intended to demonstrate how we will continually strive to achieve an environment which is supportive for men and women. Our aim is to cultivate a community where opportunity can flourish for both men and women and stereotypes and bullying behaviour and outdated perceptions of the role of either gender are placed firmly in the past.

2. Background

In April 2007, the Equality Bill will introduce the Gender Equality Duty. This will require public authorities, including further and higher education institutions, to promote gender equality and eliminate sex discrimination.

A Draft Gender Equality Code of Practice for England and Wales has been published by the Equal Opportunities Commission and will be used to guide and influence the College in implementing, evaluating and updating policies and actions to ensure gender equality exists throughout the organisation.

The new legislation is intended to ensure that all public bodies build gender equality into their day-to-day activities, meaning that gender must be included as a consideration at the planning stages. The proposed general and specific duties outlined in the Duty act as a method of identifying and then addressing any institutional obstacles experienced by men and women. These duties follow closely and build on the current Race Relations Amendments Act 2000 and the Disability Discrimination Act 2005.

The duty to promote gender equality places an obligation on the City of Wolverhampton College's Equality and Diversity Group, as the body with devolved responsibility for the planning, development and implementation of the College's response to the legislation. This should be seen however, within the context of the positive steps that the College has so far taken in relation to gender equality such as positive action measures for women and the introduction of policies to support the work-life balance of all staff. It should be noted that the driving force behind the positive duty is not merely legal compliance, but an absolute commitment to gender equality. This must be the college's main aim.

3. Scope of the Scheme

- 3.1. The EOC draft Code of Practice (the Code) gives practical guidance to public authorities on how to meet the legal requirements of the Gender Equality Duty. The Equal Opportunities Commission (EOC) has prepared and issued this Code under the Sex Discrimination Act 1975, as amended by the Equality Act 2006. The Code will come into effect on April 6 2007.
- 3.2. Those parts of the Code which deal with the general gender equality duty in section 76A of the Sex Discrimination Act 1975 apply (subject to some exceptions) to all public authorities in England and Wales and to reserved functions of public authorities in Scotland. A similar but separate code applies to Scotland. Some parts of the Code which deal with the specific duties imposed by the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 (the Order) apply only to the public authorities listed in the Schedule to that Order. This does not include authorities all of whose functions are public functions in relation to Wales.
- 3.3. The Code of Practice is a 'statutory' code and has been laid before Parliament before taking effect. This means that the Code is admissible in evidence in any legal action under the Sex Discrimination Act 1975 or the Equal Pay Act 1970, in criminal or civil proceedings before any court or tribunal.
- 3.4. A court or tribunal must take into account any part of the Code that appears to them to be relevant to any question arising in the proceedings. This includes the question of whether public authorities have breached the law. A tribunal or court may draw an adverse inference that a breach of the law has occurred if a public authority has failed to follow relevant provisions in the Code. If a public authority does not follow the Code's provisions, it will need to show how it has otherwise met its legal obligations under the general duty and any specific duties.
- 3.5. On its own, the Code does not impose any legal obligations on public authorities. The Code is not a complete statement of the law - only the courts can give this.
- 3.6. The Equality Act 2006 amends the Sex Discrimination Act (SDA) to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need:
 - to eliminate unlawful discrimination and harassment
 - to promote equality of opportunity between men and women.
- 3.7. This is known as the 'general duty' and will come into effect on 6 April 2007.
- 3.8. The duty applies to all public authorities in respect of all of their functions (with limited exceptions). This means it applies to policy-making, service provision, employment matters, and in relation to enforcement or any statutory discretion and decision-making. It also applies to a public authority in relation to services and functions which are contracted out. In addition, it applies to private and voluntary bodies

which are carrying out public functions, but only in respect of those functions.

- 3.9. Public authorities are expected to have 'due regard' to the need to eliminate unlawful discrimination and harassment and promote equality of opportunity between men and women in all of their functions. 'Due regard' comprises two linked elements: proportionality and relevance. The weight which public authorities give to gender equality should therefore be proportionate to its relevance to a particular function and the greater the relevance of a function to gender equality, the greater regard which should be paid to it.
- 3.10. As part of the duty, public authorities are required to have due regard to the need to eliminate unlawful discrimination and harassment in employment and vocational training (including further and higher education), for people who intend to undergo, are undergoing or have undergone gender reassignment. For the purposes of this Code, the expression 'transsexual people' is used to refer to the people who are covered by those provisions.
- 3.11. To support progress in delivering the general duty, there is also a series of 'specific duties' which apply to listed public authorities. Those specific duties in brief are:
 - a. **To prepare and publish a gender equality scheme**, showing how it will meet its general and specific duties and setting out its gender equality objectives.
 - b. In formulating its overall objectives, **to consider the need to include objectives to address the causes of any gender pay gap.**
 - c. **To gather and use information** on how the college's policies and practices affect gender equality in the workforce and in the delivery of services.
 - d. **To consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information** in order to determine its gender equality objectives.
 - e. **To assess the impact of its current and proposed policies and practices** on gender equality.
 - f. **To implement the actions set out in its scheme** within three years, unless it is unreasonable or impracticable to do so.
 - g. **To report** against the scheme every year and **review** the scheme at least every three years.

The City of Wolverhampton College Gender Equality Scheme was approved for publication by the Personnel Committee of the Board of Governors on 23 April 2007 and endorsed by the College Development Board on 27th April 2007.

4. City of Wolverhampton College Commitments

The College will actively promote gender equality in all of its functions when setting its priorities. The College's consideration and due regard to the Gender Equality Duty will ensure that all reasonable steps are taken to deliver it in its role as an employer and provider of services.

Specific actions have been formalised to assist public authorities to meet the requirements of the Duty. The following actions relate to both Higher Education and Further Education institutions. They are:

- a. To develop and publish a formal Gender Equality Scheme identifying specific gender equality objectives and demonstrating how these will be established
- b. Develop and publish an equal pay policy statement
- c. Conduct gender impact assessments to raise awareness and understanding of the impact the Gender Equality Duty may have on women and men with regard to new policies and services.

The College will also act on the guidance of The Association of College's Joint Agreement on Guidance for Gender Equality in Employment for Further Education Colleges as follows:

- All Colleges are required to carry out impact assessments, therefore all relevant College policies, procedures and practices will be assessed for their impact on different groups of men, women and transsexual employees.
- The College will analyse the information gathered in the monitoring exercise and it will be used in the impact assessment to ensure that neither sex is disadvantaged and to identify where equality of opportunity can be promoted actively.
- The purpose of the impact assessment is both to ensure that the College's decisions and activities do not disadvantage any employees on account of their gender, and also to identify opportunities to actively improve equality.
- The College agrees to set out a timetable for assessing the impact of its existing policies, procedures and practices over the period covered by the Gender Equality Scheme.
- Priorities for action in the Gender Equality Scheme stemming from the impact assessments should be established through consultation with employees, joint trade unions and relevant stakeholders.

Data Protection Act

As a College we respect the rights to confidentiality of all staff, students, other service users and other stakeholders where applicable. All personal information requests are handled under our Data Protection Policy a copy of which is available from the College Data Protection Officer.

5. Development of the Gender Equality Scheme

The College is committed to producing, reviewing and implementing a three year Gender Equality Scheme Action Plan produced with the involvement of students, staff, community groups, voluntary organisations and individuals with interests in our work in the development of the College Gender Equality Scheme.

The College will:

- Develop a scheme which will identify equality objectives and appropriate action to implement them
- Initiate and evaluate consultation with students, staff and other stakeholders in establishing the Gender Equality Scheme
- Publish the College's Gender Equality Scheme establishing goals and expected outcomes
- Regularly monitor and evaluate progress and report to the College's Equality and Diversity group and publish in documents such as the Equality and Diversity newsletter annually
- Review the Gender Equality Scheme every three years or, if necessary, sooner making appropriate amendments where necessary

Where are we now?

City of Wolverhampton College has a range of information and data about students and staff from a number of sources that is already collected and analysed by the College's Systems Information Services and Human Resources department respectively to ensure that the College meets the requirements of its existing commitments across a range of areas. These include the College Equal Opportunities Policy, Race Equality Policy, and Disability Equality Scheme, it's commitments to ensure widening participation and achievement across all its service users and wider initiatives e.g. Every Child Matters.

The College also has monitoring in place to demonstrate that Equality and Diversity are given due regard within the curriculum and teaching and learning provision and includes Equality and Diversity training within it's training and support facilities for all teaching and learning staff. This monitoring is undertaken at regular intervals by the Colleges Equality and Diversity Group.

As part of the Gender Equality Group work, the group have consulted with a number of people and groups within the college in order to formulate the overall objectives of the City of Wolverhampton College Gender Equality Scheme and have used the feedback and data provided to inform and agree the preliminary three year Gender Equality Scheme Action Plan.

6. Consultation

Consultation has taken place with the following groups:

- Senior Management Team and Faculty Directors
- Assistant Principal – Curriculum (Teaching and Learning Service)
- Joint Unions
- Student Union representatives
- Human Resources Manager
- Equality and Diversity Group

Consultation with Senior Management Team and Faculty Directors

Feedback from this group highlighted the following action points:

- The need for effective publication and promotion of the Scheme across all College areas and cohorts
- The need for both a three year Action Plan and annual progress reports
- That the Scheme highlighted how data was to be collected and how it would be analysed
- The need for training and development of all staff on recognising and dealing effectively with gender inequalities

Consultation with Assistant Principal – Curriculum (Teaching and Learning Service)

Feedback from the Assistant Principal highlighted that:

- The Teaching and Learning Service have embedded Equality and Diversity into all of their training and staff development provision
- The college Scheme of Work pro forma has a separate section where teaching staff must demonstrate that they have addressed Equality and Diversity issues related to their curriculum within the Scheme
- The Observation of Teaching and Learning report includes an assessment of the promotion of equality and diversity within the lesson
- The Lesson Observation Scheme Summary Report includes a summary of findings linked to Equality and Diversity

Consultation with Joint Unions

Feedback from this group highlighted the following action points:

- The need to embed Gender Equality into the induction of both students and staff
- The need for staff training on how to deal with Gender Equality issues in the classroom
- The need for Joint Unions to be better informed re: Gender equality

Consultation with Student union Representatives

Feedback from this group highlighted the following action points:

- The need to address bullying and gender stereotyping in the classroom
- The need for tutors to actively control the classroom environment and respond effectively to any gender equality issues that arise

- The need to recognise that inappropriate teasing and remarks by peers occur and that these can be intimidating for many learners causing them to leave their chosen course of study

Consultation with Human Resources Manager

The following monitoring procedures are already in place and the analysis of the feedback from them will form the basis of many of the Gender Equality Schemes Action Plan targets:

Monitoring of Employees:

Gender information is captured and analysed by our HR Department for statistical Equality & Diversity analysis as part of the recruitment process. A report on the analysis of this data is presented to the Equality and Diversity Group at each of its meetings. This information is not part of the selection process and is removed from applications before short-listing. The information stored on the HR database is reviewed annually and reported to the Equality and Diversity Group in respect of a comparison of male and female:

- Staff in post
- Applicants for posts by level/type
- Employees involved in grievance and disciplinary
- Employees leaving the College
- Employees being promoted within the College
- Employees' CPD records

Monitoring of Students:

Gender information is captured on the System Information Services database for statistical Equality & Diversity analysis. This information is not part of the selection process. The information stored in the database (within the context of the Data Protection Act) will be reviewed annually or at intervals determined by the Equality and Diversity Group in respect of a comparison of male and female:

- Students on the course
- Applicants to the course
- Students involved in disciplinary processes
- Students withdrawing from the course
- Identification of ALS needs
- Take up of ALS needs
- Students completing the course:
 - Achievement of Primary Learning Goal
 - Achieving their intended/actual progression
 - Value Added scores
 - Students afforded learning and Learner support funds assistance.

The information collated will be analysed by the Gender Equality Group and fed back up to the Equality and Diversity Group at each scheduled meeting in order to agree each years Gender Equality Action Plan and any relevant or necessary amendments or additions to the Action Plan.

Staff information on gender has been provided on the following:

- Full time and part time employees by grade / salary scale, hours and type of work (e.g. management, teaching, support)
- Full time and part time employees by ethnicity, disability, age, race, religion and sexual orientation (optional).
- Job application and selection success rates
- Type of contract (permanent, temporary agency)
- Rates of requests for flexible working
- Training / staff development
- Promotion

Feedback

The college Gender equality group has collated all of the feedback it has received thus far and produced the following set of objectives from which the preliminary three year Gender Equality Scheme Action Plan will be formulated.

7. Objectives

The following College Gender Equality Scheme Objectives were established and agreed after consultation with Senior Management Team, Faculty Directors, Joint Unions, and Student Union representatives:

- to promote continued consultation in a variety of formats with all service users, i.e. learners, staff, employers and other stakeholders
- to promote awareness and understanding of the Gender Equality Duty and Scheme to all College service users and other stakeholders
- to ensure on-going monitoring and reviewing of the application of the Scheme through the Equality and Diversity Group.
- to collect and monitor data by gender of staff in order to assess whether there are any gender inequalities and formulate actions to address those inequalities
- to collect and monitor data by gender of learners in order to assess whether there are any gender inequalities and formulate actions to address those inequalities
- to promote gender equality good practice and positive experiences of college service users and stakeholders
- to encourage and support students and staff to challenge prejudice, stereotyping & intolerance, and manage the environment in a way that maintains every individual's dignity & rights

In addition to the Gender Equality Scheme agreed objectives, the following actions were agreed in order to support the wider aims of the scheme and to further support the guidance of The Association of College's Joint Agreement on Guidance for Gender Equality in Employment for Further Education Colleges:

- The Director of Marketing & Customer Services will review the College's publicity to ensure that there are positive images of both genders
- The Equality and Diversity Group and Director of Faculty Group will review the College's admissions processes to ensure that there are no barriers to either genders' engagement with the College
- Impact Assess all policies and procedures to ensure that they are compliant with all prevailing gender legislation
- Monitor recruitment, retention and achievement of students by gender
- Address any under-representation of either gender staff to ensure that they can progress their careers through the College without prejudice and, if necessary the College will implement a Positive Action scheme
- Monitor curriculum resources and disseminate best practice that addresses gender issues
- Provide training which promotes positive gender images, role models and perceptions
- Celebrate diversity and promote equality

8. Action Plan

The Human Resources Manager will analyse the data annually and prepare a report for the first Equality and Diversity Group meeting of the academic year. An action plan will be drafted with clear timescales and responsibilities, aimed at remedying any issues identified.

The Vice Principal (Teaching and Learning) will prepare an analysis of Teaching & Learning Observation grades by gender each year and provide curriculum Managers with data for use in their SAR and Development Action Plan.

The Equality and Diversity group will help and support any and all individuals or groups involved with the delivery of the Gender Equality Scheme to ensure holistic resolutions.

The Diversity Coordinator/Director of HR will prepare an analysis of complaints made by students and staff relating to gender issues. The analysis will be reported to the Equality and Diversity Group and made available to the appropriate manager for any necessary action to address inappropriate differential impact.

Draft three year Gender Equality Scheme Action Plan – see Appendix 1

9. Publicising the College's Policy and Progress

To learners, employers and all other stakeholders:

The College's commitment to gender equality will be highlighted in its prospectus, annual report and annual financial statement

The Gender Equality Scheme and annual reports of progress against the Gender Equality Scheme

A summary of the results of our monitoring information will be included in our annual report and annual financial statements, where this does not breach individual confidentiality.

A copy of this document will be given to contractors carrying out functions on behalf of the College to ensure that the contractors meet the College's standards and expectations in terms of gender equality.

To staff:

All staff will have access to a full copy of the policy as part of the Human Resources web site and staff handbook

The staff induction programme will highlight the College's commitment to gender equality, action to be taken by staff who suffer discrimination and the action to be taken against any perpetrators of such discrimination

A summary of the results of our monitoring information will be included in the appropriate College publication e.g. Equality and Diversity Newsletter. Any published information will have due regard for individual confidentiality.