

EQUALITY AND DIVERSITY POLICY: DISABILITY POLICY STATEMENT

1 Context

This policy statement sets out how Doncaster College will work towards the promotion of disability in all of its activities. It outlines how the College will ensure that disability discrimination is challenged and eliminated through legislation and good practice.

This policy statement needs to be viewed in the context of the Equality Act 2010 and the Public Sector Equality Duty 2011 and the extent of protection it provides in the context of disability - a protected characteristic.

This policy needs to be read in conjunction with the College's:

- Equality and Diversity Strategy
- Anti Harassment and Anti Bullying Policy (Staff and Students)
- Widening Participation Strategy
- Equality and Diversity Framework: An Ethical Framework
- Equality and Diversity Policy
- Strategic Equality and Diversity Action Plan 2011-14
- Equality and Diversity Framework: Charter for Staff
- Disability Statement
- Additional Learning Support Policy
- Exam Arrangements for SLDD Students
- Dyslexia Policy.

2 Definition

The Equality Act 2010 makes discrimination on the grounds of disability unlawful in employment, education and training.

In line with the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantial or long term adverse effect on their ability to carry out normal day to day activities.

Equality means ensuring that everyone is treated equally i.e. in the context of learners, that all students have the same right of access to resources. Consequently to ensure equality of opportunity, individuals / groups may be treated differently.

Diversity is recognising that individuals and groups of people are different and that it is important to value and celebrate difference.

Direct Discrimination is treating someone less favourably than he/she would treat others because of a protected characteristic.

[The individual does not need to possess the protected characteristic]

Indirect Discrimination is where an employer/provider has a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who have a protected characteristic. [It can be justified if it is a proportionate means of achieving a legitimate aim.]

DISABILITY EQUALITY POLICY STATEMENT

Associative Discrimination is directed discrimination against someone who associates with another person that possesses a protected characteristic.

Perspective Discrimination is direct discrimination against some one because they are thought (wrongly) to possess a protected characteristic.

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Victimisation is where an individual is subjected to a detriment because they make, or are suspected of making, or supporting a complaint or grievance under the Equality Act 2010. [No protection if a complaint has been maliciously made or supported an untrue complaint].

Third Party Discrimination protects employees who are harassed by clients, contractors of the employer/provider. An employer is liable if the conduct has occurred on at least two previous occasions, is aware it has taken place and has not taken reasonable steps to prevent it occurring.

3 Guiding Principles

Doncaster College wishes to be recognised by the community as an organisation which provides good employment and educational opportunities for people with different disabilities and we wish individuals who apply to us as a student or employee to know that they will receive fair treatment and be treated solely on their ability.

Therefore our policies aim to ensure that people with different disabilities receive treatment that is fair, equitable and consistent with their skills and abilities.

Doncaster College is fully committed to promoting equality of opportunity for people with disabilities and learning difficulties. All people have a right of equality of opportunity irrespective of disability.

Our practices are reviewed and impact assessed regularly to ensure they provide equality of opportunity through compliance with current legislation, good practice guidance and user feedback, with targets set for improvement through our Strategic Equality and Diversity Action Plan 2011-14.

Wherever possible the College will use Association of Colleges (AoC) good practice guidelines.

Doncaster College does not tolerate any prejudicial behaviour by any member of the College.

4 Legislative Framework

The College will operate within the legislative framework of the Equality Act 2010 and the Public Sector Equality Duty 2011 and strive, where possible, to go beyond legal compliance.

DISABILITY EQUALITY POLICY STATEMENT

The College recognises the legal protection is afforded to the protected characteristic of disability.

The College has a zero tolerance to bullying, harassment and victimisation.

The College is committed to ensure that it does not discriminate either directly or indirectly in the provision of goods, facilities, services or employment on the grounds of disability.

Consequently, the College will not tolerate any forms of discrimination on the basis of disabilities based upon:

- Direct Discrimination
- Indirect Discrimination
- Associative Discrimination
- Perceptive Discrimination
- Indirect Discrimination
- Harassment
- Third Party Harassment
- Victimisation.

Within the context of the College's Strategic Equality and Diversity Action Plan 2011-14 the College will take action to:

- Promote equality of between disabled persons and other persons
- Eliminate discrimination that is unlawful based on disability under the Equality Act 2010
- Eliminate harassment of disabled persons that is related to their disability
- Promote positive attitudes towards disabled persons in public life
- Encourage participation of people with disabilities in public life.

In line with the legislation:

- The College will continue to make reasonable adjustments and will not pass on the costs of any adjustments to a student or employee
- The College will ensure that a student or employee is not treated unfavourably because something arising is a consequence of a disability
- In relation to indirect discrimination on the grounds of disability the College recognises that it is capable of being justified if it is a proportionate means of achieving a legitimate aim

The College recognises that the Equality Act 2010 prohibits both direct and indirect discrimination on the grounds of disability and extends protection in relation to, associative perceptive and third party harassment.

The College recognises that the legislation makes it unlawful on the grounds of disability to discriminate on the basis of:

- A person's actual disability
- A disability that they are thought to have; or
- The disability of someone else with whom they are associated.

The College supports good decision making by encouraging staff to understand how different people will be affected by their activities so that our policies and services are appropriate and acceptable to all and meet different people's needs.