

Joint Agreement on Guidance for Gender Equality in Employment for Further Education Colleges

I. Between

The Association Of Colleges (AoC)

II. and

Association for College Management (ACM)

**Association of Teachers & Lecturers
(ATL)**

GMB

Transport & General Workers' Union (TGWU)

UNISON

University and College Union (UCU)

1 Introduction

- 1.1 This guidance has been developed jointly to equip Colleges to meet their obligations under The Sex Discrimination Act 1975 as amended by the Equality Act 2006, The Equal Pay Act 1970, The European Equal Treatment Directive (75/207) and other relevant legislation.
- 1.2 The Equality Act 2006 inserted the general Gender Equality Duty into section 76A of the Sex Discrimination Act 1975, which applies to all public authorities in England and Wales. Colleges are also covered by the specific duties imposed by the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006. This document is intended to support Colleges in meeting the duties.
- 1.3 The College recognises that the Gender Equality Duty (as introduced by the Equality Act 2006) requires a pro-active approach to mainstreaming gender equality into all decisions and activities.

2 Our Commitment

- 2.1 The College celebrates and values the diversity brought to its workforce by individuals, and believes that the College will benefit from employing both women and men at all levels of responsibility, and across all areas of work, thus hoping to provide role models for both female and male students in whatever area of the curriculum they are interested in. The College will treat all employees with respect and dignity, and seek to provide a positive working environment free from sex discrimination, harassment or victimisation.
- 2.2 The College will seek not only to eliminate sex discrimination, but also to create a working environment based on good relations between women and men. To this end, the College undertakes to provide diverse, non-stereotypical images of women and men in any material which it produces for learners and staff. The aim is to create a positive inclusive ethos where issues of gender discrimination and stereotyping can be discussed openly, with a shared commitment to challenging and preventing sexism and sex discrimination, to respecting diversity and difference, and to encouraging good relations between women and men.
- 2.3 The College will also seek to eliminate unlawful harassment and promote equality of opportunity for employees who intend to undergo, are undergoing or have undergone gender reassignment. Further details of the College's commitment to this goal can be found in the Transgender Policy.
- 2.4 The College will work towards the elimination of sexism whether overt or covert.
- 2.5 The College acknowledges that the Gender Equality Scheme (GES) must be developed in consultation with employees, recognised trade unions and relevant stakeholders.

3 Our Legal Duties

The College undertakes to fulfil all the legal duties put upon it by

- 3.1 The Sex Discrimination Act 1975 as amended by the Equality Act 2006 and The Equal Treatment Directive (75/117), (i.e. there will be no discrimination against staff, either directly or indirectly on grounds of sex or marital or family status in access to employment, training, working conditions, treatment at work, promotion or dismissal).
- 3.2 The Equal Pay Act 1970 and The Equal Pay Directive (75/117) (see The Equal Pay Policy for more details).
- 3.3 The College also undertakes to adhere to the Gender Equality Duty Code of Practice, the Education-specific Code of Practice and the Code of practice on Equal Pay produced by the Equal Opportunities Commission.
- 3.4 The College agrees that there are two requirements to the “general duty” or “gender equality duty” (GED). The College in carrying out its functions will have due regard to the need to:
 - Eliminate unlawful discrimination and harassment
 - Promote equality of opportunity between men and women.
- 3.5 In line with the “specific duties” required under the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006, the College agrees to:
 - Prepare and publish a Gender Equality Scheme (GES)
 - In preparing the GES:
 - Consult employees, learners and others (including trade unions)
 - Take into account any information it has gathered or considers relevant
 - Consider the need to have objectives to address the causes of any gender pay gap
 - Ensure that the GES sets out the actions the College has taken or intends to take to:
 - Gather information on the effect of its policies and practices on men and women
 - Use the information to review the implementation of GES objectives
 - Assess the impact of its current and future policies and practices on gender equality
 - Consult relevant employees, learners and others (including trade unions)
 - Ensure implementation of the GES objectives.
 - Implement the GES and the actions for gathering and using information within three years of publication, unless it is unreasonable or impractical to do so

- Review and revise the GES at least every three years
 - Report annually on progress
- 3.6 The College recognises that under the GED the College must have due regard to the need to eliminate all forms of discrimination that are unlawful under the Sex Discrimination Act 1975, specifically:
- Direct and indirect discrimination on grounds of sex
 - Discrimination on the grounds of pregnancy and maternity leave
 - Discrimination on the grounds of gender reassignment
 - Direct and indirect discrimination against married persons and civil partners
 - Victimisation
 - Harassment and sexual harassment.

When this document refers to discrimination on the grounds of sex it refers to all the interpretations of sex discrimination as outlined above.

4 Recruitment and Selection

- 4.1 The College will not discriminate on the grounds of sex in the way it recruits and selects staff. Details are to be found in the Recruitment and Selection of Employees Policy.

5 Career Development and Occupational Segregation

- 5.1 All employees shall have equal rights to training, promotion and other aspects of career development.
- 5.2 The College will assess the impact of its policies and practices on the career development opportunities of women and men (see section 13 for further details).
- 5.3 The College will analyse monitoring data to assess whether there may be any sex discrimination or adverse impact in terms of recruitment into senior positions and in promotion.
- 5.4 In order to promote equality of opportunity, the College will consider initiatives such as women-only training or coaching in management to take positive action to address any existing inequalities.
- 5.5 The College recognises that stereotyped gender roles can be harmful to both women and men, who may feel constrained to behave in ways, and work in areas traditionally considered appropriate for their sex. These constraints can lead to occupational segregation between roles, which limits opportunities available to both sexes. Encouragement and support will be given to staff who

try to step outside the constraints of gender stereotypes in any area of the College's work.

- 5.6 In recognition of the constraints of occupational segregation and in acceptance of the importance of role models for students, the College will also consider the need to take positive action, where monitoring highlights an imbalance, to increase numbers of women teaching staff in male-dominated areas and vice-versa.
- 5.7 Equality training programmes will include anti-sexist material, and will have due regard to the need to break down traditional gender stereotypes.

6 Harassment

- 6.1 Harassment on grounds of sex, harassment on grounds of gender reassignment and sexual harassment, are viewed by the College as very serious offences, which if proven may in certain circumstances lead to the dismissal of a member of staff or, if an employee is harassed by a student, the student disciplinary policy should be followed. For details of handling harassment claims, see the Harassment Policy.
- 6.2 In line with section 13, the College will take steps to determine the effectiveness of the Harassment Policy and improve it where necessary, by monitoring the number of complaints received and the outcomes, and by reviewing the procedures periodically.

7 Dismissal

- 7.1 The College will ensure that there is no sex discrimination in relation to dismissal of staff. In particular, should a redundancy situation occur, it will ensure that gender is not a factor in the selection of those to be made redundant. For more details see the Redundancy Handling Procedure.

8 Maternity and Parental Rights

- 8.1 The College will ensure that all of women's maternity rights are met, as are parents' rights to parental leave. For details, see the Maternity Leave Policy and the Parental Leave Policy.

9 Ensuring Equality Between Women and Men

- 9.1 The College is committed to working to eliminate gender inequality and harassment, and to promote equality of opportunity. The College is also committed to encouraging changes in individual behaviour and attitudes, and ensuring equality of opportunity and treatment for women and men.

- 9.2 The College recognises that, despite the Equal Pay Act 1970, a pay gap still exists in general between women and men. The College recognises its obligation to gather information to determine whether a gender pay gap exists in the College, and if a gap is found the College will seek to identify the causes of that gap. The College recognises that women are underrepresented in management jobs in society generally, which may be a contributory factor to overall gaps in pay.
- 9.3 Where barriers to equal pay are identified, the College will give serious consideration to setting objectives for their removal during the prioritisation process for the GES objectives (see section 11).
- 9.4 The College recognises that a disproportionate number of its part-time workers are women, for reasons related to the greater burden of caring responsibilities that they bear. The College therefore accepts that any unequal treatment of part-time workers is likely to have more adverse impact on women than on men. The College resolves to adhere closely to the Employment of Part-Time Employees Policy.
- 9.5 The College will consider the need to provide gender equality training for all staff and students, in order to foster a learning and work environment free from the limitations of traditional views of gender roles and opportunities.
- 9.6 The College believes that a whole-college approach is required to promote gender equality and will therefore ensure that adherence to the ethos of this gender equality policy will feature as part of the procurement process in order that providers of contracted-out services comply with the College's standards as prescribed in this document.

10 Provision for those with Dependants

- 10.1 Details relating to compassionate, paternity, fertility treatment and dependants leave are set out in the Dependants' Leave Policy.
- 10.2 The College recognises that staff are at times likely to have special issues in relation to childcare and the care of other dependants, and while this is likely to impact disproportionately on women, men too are sometimes affected. The College will make every effort to meet the needs of staff with such responsibilities and to ensure genuine equality of access for all affected staff, for example by adopting a flexible approach to producing timetables and work plans in order to take into account the caring responsibilities of staff.
- 10.3 The College will provide support for staff returning after a break caused by caring responsibilities, and will treat sympathetically requests to job share or to move to part-time employment for a specified period.
- 10.4 The College will also assess the impact of caring responsibilities on both women and men, and will consider whether any steps are needed to address any relevant issues identified.

11 Gender Equality Scheme

- 11.1 In line with the SDA 1975 (as amended by the Equality Act 2006), the College agrees to draw up a GES to set objectives and monitor progress towards achieving equality of opportunity between women and men.
- 11.2 In the formation of the GES the college undertakes to gather information to identify action points to address any areas of inequality or adverse impact. The College will then prioritise the action points identified.
- 11.3 The College will proactively seek to consult with employees, recognised trade unions and other relevant stakeholders when prioritising the objectives in the GES. For example, this may be achieved by establishing a gender equality steering group.
- 11.4 The College will immediately take steps to begin implementing the objectives set out in the GES with a view to having implemented all objectives by the end of the GES's three-year period.
- 11.5 The GES will contain monitoring data and positive action targets described in section 12 and any other information considered relevant.
- 11.6 The College will publish a report annually on the GES which will be made publicly available.

12 Monitoring and Positive Action

- 12.1 The monitoring process will be used to analyse the impact of the College's policies and practices, and the extent to which they promote equality of opportunity between women and men. The process will also help to ensure that discrimination and harassment on the grounds of sex do not take place in the College.
- 12.2 To inform the setting of objectives for the GES (as describe in section 11 above) and the measurement of progress towards achieving them, the College will collect and analyse the following information about gender:
 - The sex of employees by grade / salary scale, hours and type of work (e.g. management, teaching, support)
 - The sex of employees by ethnicity, disability, age, race, religion and sexual orientation¹ (optional).
 - Job application and selection success rates
 - Type of contract (permanent, temporary agency)
 - Rates of requests for flexible working
 - Training / staff development
 - Promotion

¹ Monitoring on Sexual Orientation and Religion or Belief is optional for Colleges. Please refer to the Joint Agreements on Guidance for both Sexual Orientation and Religion or Belief for further details.

- Return rates from maternity leave, and the roles to which they return
- Pay levels
- Grievances, disciplinary and capability proceedings
- The profile of those with dependants and caring responsibilities
- Satisfaction surveys and exit interviews

12.3 The College confirms that monitoring data collated from staff will be anonymised treated in confidence. However, the College recognises that transsexual employees may still be unwilling to identify themselves as such due to concerns of privacy. The College will not place any obligation on staff to provide monitoring data; however, the College will inform staff of the importance of such data for the purpose of further improving equality of opportunity. No information will be published that will enable an individual member of staff to be identified.

12.4 Once the results of the monitoring and analysis are available, the College will use the results to inform the setting of objectives for the GES. The results and objectives will be published annually in an action plan.

13 Impact Assessment

13.1 All Colleges are required to carry out impact assessments. All relevant College policies, procedures and practices will be assessed for their impact on different groups of men, women and transsexual employees.

13.2 The College will analyse the information gathered in the monitoring exercise (described above in section 12) 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.

13.3 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.

13.4 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 GES.

13.5 Priorities for action in the GES stemming from the impact assessments should be established through consultation with employees, recognised trade unions and relevant stakeholders, as described in section 11 above.

14 Division of Responsibilities

14.1 Governors are responsible for ensuring that:

- Women and men are given an equal opportunity to be members of the Corporation, and in the event of significant under-representation of either women or men, the Corporation will consider what steps can properly be taken to address that under-representation
- The College's strategic plan includes a commitment to gender equality
- Equality training features as part of the College's strategic plan
- They are aware of the Corporation's responsibilities in relation to sex legislation as an employer and service provider
- They receive and respond to the sex monitoring information on staff, impact assessments and the GES objectives.
- The objectives identified in the GES are implemented.

14.2 Managers are responsible for ensuring that:

- The College Principal / Chief Executive and Senior Management Team are responsible for taking the lead in creating a positive, inclusive ethos that challenges sexist attitudes and behaviour on the part of managers, staff or learners
- They are aware of the College's statutory duties in relation to sex legislation
- All aspects of the College's policies and activities are sensitive to gender issues
- Sex monitoring information is collected and analysed
- The procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities
- Targets are set in the recruitment and promotion of staff based upon the analysis of sex monitoring information
- The College's publicity materials present appropriate positive and non-stereotypical messages about gender.
- Staff induction programmes reflect the College's commitment to promote equality of opportunity
- Appropriate training and development is provided to support the appreciation and understanding of diversity.

14.3 Staff are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to sex legislation
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of equality
- They challenge prejudiced and discriminatory behaviour by learners, work placement providers, outside contractors or other members of staff whenever practicable
- The College and each of its individual staff confront sexism, whether witting or unwitting, whenever it occurs.

15 Publicising the College's Policy and Progress

15.2 To the public (including learners, work placement providers and staff):

- Our commitment to gender equality will be highlighted in our prospectus, annual report and annual financial statement
- The GES and annual reports of progress against the GES
- 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.

15.3 To staff:

- All staff will have access to a full copy of the policy as part of the 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. newsletter). Any published information will have due regard for individual confidentiality.

16 Complaints

- 16.2 The College will seek to provide a supportive environment for staff who make claims of discrimination or harassment.
- 16.3 Acts of sex discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence.
- 16.4 Staff who feel they are being discriminated against on the grounds of sex by other members of staff should raise the matter under the Grievance / Harassment Procedure, which will, if the accusation is upheld, be treated as a serious disciplinary offence.
- 16.5 If, in the course of their work, College staff suffer sex discrimination from members of the public, the College will take appropriate action and provide appropriate support.
- 16.6 Any discriminatory behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

17 Review and Consultation

- 17.2 This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the College Equality Forum or appropriate equivalent body.
- 17.3 As part of the review the Equality Forum will seek and take into account the views of stakeholders including the consultation / negotiating arrangements within the College, and appropriate equality bodies (e.g. EOC).

18 Implementation

- 18.2 The College, working in partnership with the recognised trade unions and employee representatives, will seek to ensure that the College's GES is implemented so that all staffing policies and procedures (e.g. Recruitment and Selection Procedure) are non-discriminatory, and that monitoring and positive action processes are regularly reviewed and monitored.

19 General

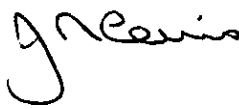

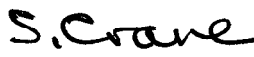


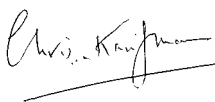

- 19.1 This policy should not be read in isolation, but cross-referenced with all relevant College employment policies.

20 Definition of Joint Agreement

- 20.1 The Agreement on this guidance is a recommendation to colleges relating to Gender Equality in employment issues.

**JOINT AGREEMENT ON GUIDANCE FOR
GENDER EQUALITY IN EMPLOYMENT FOR
FURTHER EDUCATION COLLEGES**

SIGNATURES OF THE PARTIES TO THIS AGREEMENT

AoC	
ACM	
ATL	
GMB	
UCU	
TGWU	
UNISON	

Date of Commencement of this Agreement:

01 March 2007