

**JOINT AGREEMENT ON GUIDANCE:
RACE EQUALITY IN EMPLOYMENT**

BETWEEN

THE ASSOCIATION OF COLLEGES (AoC)

AND

**ASSOCIATION FOR COLLEGE
MANAGEMENT (ACM)**

**ASSOCIATION OF TEACHERS &
LECTURERS (ATL)**

GMB

**TRANSPORT & GENERAL WORKERS'
UNION (TGWU)**

UNISON

UNIVERSITY AND COLLEGE UNION (UCU)

January 2008

JOINT AGREEMENT ON GUIDANCE: RACE EQUALITY

1. Introduction

- 1.1 This guidance has been developed jointly to equip Colleges to meet their obligations under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, the European Race Directive (43/2000) and other relevant legislation. This document is intended as a guidance document in developing the College's own Race Equality Policy. This is not in itself intended to be used as a sample Race Equality Policy, which in any case must relate to staff and student issues, whereas this guidance only deals with staff issues.
- 1.2 The Race Relations (Amendment) Act 2000 introduced the general duty to promote race equality for public authorities. Colleges are also covered by the specific duties imposed by the Race Relations Act 1976 (Statutory Duties) Order 2001. It is intended that this document, and reference to other related documents such as the 'Joint Agreement on Guidance for Equality in Further Education', will support Colleges in achieving this end.
- 1.3 The College recognises that in order to implement successfully the Race Equality Duty (as introduced by the Race Relations (Amendment) Act 2000) it will be necessary to develop a pro-active approach to mainstreaming race 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 engaging employees from a variety of racial, ethnic and national backgrounds, thus allowing it to meet the needs of a diverse student population within a multi-cultural society. The College will treat all employees with respect and dignity, and do everything possible to provide a positive working environment free from racial discrimination, harassment or victimisation.
- 2.2 The College will seek not only to eliminate discrimination, whether overt or covert, but also to create a working environment based on positive relations between members of different racial groups. To this end, the College undertakes to provide training and support for employees, to consult with ethnic minority employees about their experience of the working environment, and to provide diverse images in any material which it produces for learners and employees. The aim is to create a positive inclusive ethos where issues of racism, stereotyping and discrimination can be discussed openly, and in

confidence where appropriate, with a shared commitment to challenging and preventing racism and discrimination, to respecting diversity and difference, and to encouraging good relations between people of different racial groups.

- 2.3 The College acknowledges that the Race Equality Policy should be developed in consultation with employees, recognised trade unions and relevant stakeholders.

3. Definitions and scope

- 3.1 References to racial discrimination or racism within this document refer to discrimination on the grounds of a person's colour, race, nationality, ethnic origins or national origins.
- 3.2 The College recognises that institutional racism can exist, and that no organisation is immune to it.
- 3.3 This guidance is intended to assist the College in meeting its duty to eliminate discrimination on the grounds of race in relation to employment.
- 3.4 Although this guidance refers to employees throughout, the College recognises its wider responsibilities to provide a dignified and positive working environment free from racial discrimination for all who work on the College premises.

4. Our Legal Duties

- 4.1 Under Section 71 of the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), the College has a general duty to have due regard to the need to:
 - Eliminate unlawful race discrimination
 - Promote equality of opportunity
 - Promote good relations between people from different racial groups.
- 4.2 In line with Article 3 of the Race Relations Act 1976 (Statutory Duties) Order 2001, the College agrees to:
 - Prepare and maintain a written Race Equality Policy
 - Assess the impact of its policies on employees and students of different racial groups

- Monitor, by reference to racial groups, the recruitment and career progress of employees, and the admission and progress of students.
 - Set out the College's arrangements for publishing the results of assessments and monitoring
 - Where reasonably practicable publish annually the results of assessments and monitoring.
- 4.3 Although the duties in 4.2 relate to both employees and students, this joint agreement will focus on the College's responsibilities in relation to employment.
- 4.4 The aim of the specific duties is to aid the College in meeting the general duties outlined in section 4.1.
- 4.5 The College also undertakes to adhere to the Race Equality Duty Code of Practice and the CRE Guide for FE/HE Institutions¹.

5. Recruitment and Selection

- 5.1 The College will not discriminate on the grounds of colour, race, nationality, ethnic origins or national origins in the way it recruits and selects employees. Details are to be found in the Recruitment and Selection of Employees Policy.
- 5.2 The College will assess the impact of its policies and practices on the recruitment and selection opportunities of employees from different racial groups (see section 14 for further details).

6. Terms and Condition of Employment

- 6.1 The College will ensure that any benefits [facilities and services] which it offers will be equally available to all employees, regardless of their race.

7. Career Development

- 7.1 All employees have equal access to training, promotion and other aspects of career development.
- 7.2 The College will assess the impact of its policies and practices on the career development opportunities of employees from different racial groups (see section 14 for further details).

¹ Now available from the website of the EHRC:
<http://www.equalityhumanrights.com/en/Pages/default.aspx>

- 7.3 The College will analyse monitoring data to assess whether there may be any race discrimination or adverse impact in terms of recruitment into senior positions and in promotion.
- 7.4 In order to promote equality of opportunity, the College will consider initiatives such as ethnic minority coaching in management to take positive action to address any existing inequalities.

8. Harassment

- 8.1 Harassment on the grounds of race is viewed by the College as a very serious disciplinary offence, which if proven may in certain circumstances lead to the dismissal of an employee, or if a employee is harassed by a student, the student disciplinary policy being followed. For details of handling harassment claims see the Harassment Policy.
- 8.2 In line with section 12, 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.

9. Dismissal

- 9.1 The College will ensure that there is no race discrimination in relation to dismissal of employees. In particular, should a redundancy situation occur, it will ensure that race is not a factor in the selection of those to be made redundant. For more details see the Redundancy Handling Procedure.
- 9.2 The College will assess the impact of its policies that result in dismissal, for example Redundancy Policy, on employees from different racial groups (see section 14 for further details).

10. Ensuring Equality between People of Different Racial Groups

- 10.1 The College is committed to working to eliminate inequality and harassment on the grounds of race. The College is also committed to encouraging changes in individual behaviour and to ensuring equality of opportunity and treatment for people of different racial groups. Allegations of employee behaviour that contravenes this policy will be dealt with under the College's disciplinary policy.

- 10.2 The College will consider the need to provide race equality training for all employees and students, in order to foster a learning and work environment free from the limitations of racial stereotyping.
- 10.3 The College will also ensure that its publicity materials present appropriate and positive messages about minority racial groups.
- 10.4 The College believes that a whole-college approach is required to promote race equality. Where a service is contracted out to a third party, such as agency staff, contract catering or cleaning, the College retains responsibility for meeting the Duty in relation to that service. The College will therefore ensure that its requirements under the Duty form part of the procurement and performance management process in relation to the delivery of any contracted-out service. Further guidance on procurement and the Duty is available from the Equality and Human Rights Commission (EHRC).

11. Race Equality Policy

- 11.1 In line with the Race Relations Act 1976 (Statutory Duties) Order 2001, the College will draw up a Race Equality Policy to help to achieve equality of opportunity between people of different racial groups.
- 11.2 The Race Equality Policy will be linked to an action plan to put the policy into practice. In the formation of the action plan, the College undertakes to gather information to identify action points to address areas of inequality or adverse impact. The College will then prioritise the action points identified.
- 11.3 The Race Equality Policy will contain monitoring data and any positive action targets (as described in section 13) and any other information it considers relevant.
- 11.4 The College will publish annually a report on the Race Equality Policy and the results of the monitoring and assessments it carries out to meet the general duty.

12. Monitoring Our Progress

- 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 and promote good relations between people of different racial groups. The process will also help to ensure that discrimination on the grounds of race does not take place in the College.

- 12.2 The College recognises that under the Specific Duties for Further Education Institutions, it has a duty to monitor by reference to racial groups, the recruitment and career progress of its employees.
- 12.3 To inform the setting of action points and the measurement of our progress in achieving them, we will collect and analyse the following information by racial group in relation to employees:
- Profiles of employees by grade/salary scales and type of work
 - Job application rates
 - Selection success rates
 - Type of contract (permanent, temporary, fixed-term)
 - Training
 - Promotion application and success rates
 - Disciplinary/capability proceedings
 - Grievances
 - Harassment or discrimination complaints
 - Reasons for leaving and exit surveys.
- 12.4 The College confirms that monitoring data collected from employees will be anonymised and treated in confidence. The College will not place any obligation on employees to provide monitoring data; however, the College will inform employees of the importance of such data for the purpose of further improving equality of opportunity. No information will be published that would enable an individual employee to be identified.

13. Positive Action

- 13.1 In specific circumstances, the Act allows positive action as a way of overcoming racial inequality.
- 13.2 Positive action allows organisations to:
- provide facilities or services (in training, education or welfare) to meet the special needs of people from particular racial groups (for example, English language classes - see section 35 of the Act);
 - target job training at particular racial groups that are under-represented in a particular area of work (see sections 37 and 38 of the Act);
 - encourage applications from racial groups that are under-represented in particular work areas (see section 38 of the Act).

- 13.3 The College undertakes, once the results of monitoring are available, to consider targets to reduce any disadvantage suffered by ethnic minority employees and learners. If monitoring reveals that specific racial minority groups are disadvantaged, some targets may relate to those specific groups. The targets will be published annually in an Action Plan.
- 13.4 Positive action strategies, where used, are intended to be temporary measures only. They must be kept under regular review and can not be used once the special needs have been met or if the under-representation no longer exists. The College will ensure that when using positive action as a strategy, it falls within the law.

14. Impact Assessments

- 14.1 All Colleges are required to carry out impact assessments. All relevant College policies, procedures and practices will be assessed for their impact on employees from different racial groups. Colleges should refer to the CRE's guidance on impact assessments².
- 14.2 The College will analyse information gathered in the monitoring exercise (described above in section 12) and it will be used in the impact assessment to ensure that no racial group is disadvantaged and to identify where equality of opportunity can be promoted actively.
- 14.3 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 race, and also to identify opportunities to actively improve equality.
- 14.4 The College agrees to set out a timetable for assessing the impact of its existing policies, procedures and practices, giving priority to those most in need of review.
- 14.5 Priorities for action in the Race Equality Policy stemming from the impact assessment process should be established through consultation with employees, recognised trade unions and relevant stakeholders.

15. Division of Responsibilities

- 15.1 Governors are responsible for ensuring that:

² Guidance now available at from the website of the EHRC:
<http://www.equalityhumanrights.com/en/Pages/default.aspx>

- People from different racial groups are given an equal opportunity to be members of the Corporation, and in the event of significant under-representation of any group, the Corporation will consider what steps can properly be taken to address that under-representation.
- The College's strategic plan includes a commitment to race equality.
- Equality training features as part of the College's operational policies stemming from the College's strategic plan.
- They are aware of the Corporation's statutory responsibilities in relation to race legislation as an employer and service provider.
- They receive and respond to the racial group monitoring information on employees, impact assessments and the Race Equality Policy objectives.
- They are familiar with the Race Equality Policy and the action points identified within it, ensuring that the action points are implemented.

15.2 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 racist or inappropriate behaviour on the part of managers, employees or learners.
- They are aware of the College's statutory duties in relation to race legislation and the College's Race Equality Policy.
- All aspects of College policy and activity are sensitive to racial issues.
- Racial group monitoring information is collected and analysed.
- The procedures for the recruitment and promotion of employees enshrine best practice in equal opportunities.
- Targets are set and actions are considered on the recruitment and promotion of employees based upon the analysis of racial group monitoring information.
- The College's publicity materials present appropriate and positive messages about minority racial groups.

- Employee 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.

15.3 Employees are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to race legislation and the College's Race Equality Policy.
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of cultural diversity.
- They challenge, or where appropriate report, prejudiced and discriminatory behaviour by learners, work placement providers, outside contractors or other employees, whether intentional or unintentional.

16. Publicising Our Policy and Progress

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

- Our commitment to race equality will be highlighted in our prospectus, annual report and annual financial statement.
- A report into progress against the actions in the Race Equality Policy annually will be published.
- 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 race equality, as described above in Section 9.4.

16.2 To employees:

- All employees will have access to a full copy of the policy as part of the Employee Handbook or College intranet.

- The employee induction programme will highlight the College's commitment to racial 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 our monitoring information will be included in the appropriate College publication (e.g. newsletter). Any published information will have due regard for individual confidentiality.

17. Complaints

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

18. Review and Consultation

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

19. Implementation

19.1 The College will consult the recognised trade unions and employee representatives to ensure that the College's Race Equality Policy is implemented so that all employment policies and procedures (e.g. Recruitment and Selection Procedure) are non-discriminatory, and that monitoring and positive action processes are regularly reviewed and monitored.

20. General

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

21. Definition of Joint Agreement

21.1 The Agreement on this guidance is intended as a recommendation to Colleges relating to Race Equality issues.

JOINT AGREEMENT ON GUIDANCE FOR RACE EQUALITY
IN FURTHER EDUCATION COLLEGES

SIGNATURES OF THE PARTIES TO THIS AGREEMENT

- (a) AoC *Nick Lewis*
- (b) ACM *Peter Rendle*
- (c) ATL *S. Crane*
- (d) GMB *R. Azar*
- (e) TGWU *Chris Kaufman*
- (f) UNISON *Colin S*
- (g) UCU *Bangoraya*

Date of Commencement of this Agreement:

January 2008