

Equality Policy

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University of Chester Equality Policy

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Section 1 – General Information

1.0 Statement of Policy

- 1.1 The University aims to create an intellectual community and workplace that welcomes and promotes diversity and equality in and through relationships involving all staff and students; learning and teaching; research and scholarship; outreach and other University activities and practices.
- 1.2 The University is committed to the promotion of diversity and equality and the elimination of discrimination in all its forms. The University will strive to develop fully the talents and potential of all its staff and students by ensuring that each is treated as an individual, fairly and with respect solely on the basis of their aptitude, ability and potential to pursue a course of study or to fulfil the requirements of a job, irrespective of age, disability, full-time or part-time status, gender, gender expression or identity, marital, partnership, parental or carer status, race, nationality, colour, ethnic or national origin, religion or belief or non belief, sexual orientation, pregnancy or maternity, or socio-economic background.
- 1.3 The University will make the promotion of diversity and equality, good relations between people of all groups and the elimination of discrimination, sexual misconduct and harassment integral to all areas of its work including policy making, service delivery, student admissions and employment practice.
- 1.4 This Policy is complemented by other related policies and procedures (for example the Athena SWAN charter application and action plan, the University's Equality Charter, the University's Equal Pay Review and Gender Pay Gap report and their related action plans, the Dignity and Respect Policy, recruitment and selection procedures and staff and student complaints, grievance and disciplinary procedures) designed to help develop and support the embedding of diversity and equality throughout the University and to ensure that any incidents of discrimination, sexual misconduct and harassment are properly dealt with.
- 1.5 Unlawful discrimination, sexual misconduct or harassment by staff or students may be treated as serious misconduct under the staff and student disciplinary procedures and those responsible may be dealt with accordingly. Allegations of discrimination, sexual misconduct or harassment which are not made in good faith will also be considered as a disciplinary matter.
- 1.6 The University is committed to engendering a community with a positive inclusive ethos where issues of discrimination and stereotyping can be discussed openly with a shared commitment to challenging and preventing discrimination, to respecting diversity and difference, and to encouraging good relations between people of different groups. It thus both celebrates and values as a source of creativity the diversity brought to its workforce by individuals, and believes that it benefits by engaging staff from a variety of backgrounds, reflecting the needs and learning styles of a varied student population within a culturally diverse society.

- 1.7 The University will seek not only to eliminate discrimination, sexual misconduct and harassment, but also to create a working and learning environment based on positive relations between members of different groups. To this end, the University undertakes to promote diversity and equality of opportunity through the provision of relevant training and support for staff, through consultation with minority ethnic and disabled staff and students and those from other groups about their experience of our environment, and by reflecting the diversity of the community in any material, for students, staff and external audiences.
- 1.8 The University will seek to ensure that individuals and communities have equal access to learning and teaching programmes, training, recreation, leisure, and other facilities.
- 1.9 In the case of any doubt or concern about the application of this Policy in any particular circumstances, Human Resources should be consulted in the first instance.
- 1.10 The University will keep under review this Policy, and its other policies, procedures and practices relating to Equality.

2.0 The Principles

- 2.1 The commitment to Equality is embodied in the following principles:
- Implementation of the public sector equality duty.
 - The University can only fulfil its responsibilities to students and staff and its broader responsibility to society if it builds on a foundation of respect for the dignity of each individual.
 - Discrimination is unacceptable within the University community in that it represents a waste of human resources and it unjustly denies individuals the opportunity to fulfil their potential. It can also be unlawful.
 - The active support of the University community is sought through the commitment and involvement of all groups of staff and students in the implementation of this Policy.
 - The University is committed to a programme of action to ensure that this Policy is fully effective. The University may implement positive action in accordance with the Equality Act 2010.

3.0 The Public Sector Equality Duty

The Public sector equality duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities like the Ministry of Justice are now required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

(a) eliminate sexual misconduct, discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities, to publish:

- equality objectives, at least every four years (from 6th April 2012)
- information to demonstrate their compliance with the public sector equality duty (from 31st January 2012)

4.0 Responsibility

4.1 Overall responsibility for Equality lies with the University Council. The Council has determined that this Policy should be adopted with a positive commitment from its senior managers, the recognised Trades Unions and the Students Union to ensure its full implementation and effective monitoring.

4.2 All Managers are responsible (wherever applicable) for ensuring the implementation of the Policy with particular regard to recruitment and selection of staff, admission of students and generally for the integrity of decisions within their remit in relation to equal opportunities.

4.3 All employees and students have personal responsibility for ensuring that their actions comply with the Policy and for its practical application, which extends to the treatment of prospective staff and students, to visitors and to members of the public. All employees and students may be personally liable in law, irrespective of any liability of the University, should any complaint arise. Each member of staff and all students will be issued with an outline of this Policy.

4.4 A designated member of the Strategic Executive Team shall have a special responsibility for ensuring implementation and monitoring of this Policy as it relates to staff and to students respectively, consulting as appropriate with the Director of Human Resources, the Director of Student Services and other appropriate consultative university bodies, including the Equality Forum.

5.0 Application

5.1 This Policy relates to all aspects of employment, academic and student experience and includes:

- advertisement, recruitment and selection
- pay, terms and conditions of service
- training and staff development
- probation and promotion
- grievance and disciplinary procedures
- curriculum, pedagogy and assessment
- admissions strategies and course validation

as well as contractual relationships with other agencies such as in collaborative programmes of study involving other institutions or work placements.

- 5.2 Persons not employed by the University but involved in its activities, i.e. visitors, clients, external contractors, potential employers of students, Work Based Learning providers, placement providers etc., are expected to comply with the terms of the policy and with the Contractors Code of Practice relating to procurement.
- 5.3 The Policy applies to the treatment of potential as well as existing and past employees and students.

6.0 Implementation

- 6.1 Staff and students will be informed of their responsibilities towards the implementation of this Policy and other policies and procedures relating to Equality. Specific policies and guidance notes will be issued where appropriate.
- 6.2 Other persons involved in the activities of the University e.g. external contractors, will be informed of their responsibilities under this Policy.
- 6.3 The Strategic Executive Team will monitor the operation of the University Equality Policies and report as appropriate to the Senate.
- 6.4 Heads of Department, Union Representatives and the Students Union will provide reports as required on the operation of the University Equality Policies in their areas.
- 6.5 Appropriate training will be provided to assist with implementation.

Section 2 – Staff

7 Employment

7.1 Recruitment Practices

- 7.1.1 The University will appoint, train, develop, reward and promote on the basis of merit and ability.
- 7.1.2 The University's commitment to Equality will be stated on all recruitment material, including job advertisements and further particulars sent to prospective applicants.
- 7.1.3 All specifications for posts will include only qualifications or other requirements necessary and justifiable for the effective performance of the job. Qualifications or other requirements applied to a job which have or may have the effect of inhibiting applications from certain types of people should only be retained if they can be justified in terms of the job to be done.
- 7.1.4 The University will advertise all vacancies as widely as possible although it is sometimes necessary or sufficient to restrict the field of applicants to the University's own employees. In such a case the advertisement will be widely circulated throughout the University. Recruitment by word of mouth without advertisement will only take place in exceptional circumstances. The purpose of advertisements placed by the University will be to ensure that every vacancy is filled by the best person for the job.
- 7.1.5 In recognition of the fact that, as an employer, the University should set a lead, advertisements and/or further particulars will sometimes be worded so as to encourage applications from under-represented groups e.g. ethnic minorities. This will be done on the understanding that all applicants must be treated equally when it comes to selection.
- 7.1.6 Where arrangements for recruitment and selection put disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.
- 7.1.7 The University will, where possible and appropriate, establish special training programmes for newly-appointed female, disabled and black and minority ethnic staff.
- 7.1.8 The University will issue guidelines for interviews setting out acceptable practices under this Policy and in law and a brief written report will be made at the end of each appointment process recording reasons for the rejection of each unsuccessful candidate.

7.2 Conditions of Service

- 7.2.1 The University is committed to maintaining an environment, which encourages all members of staff to contribute fully and on an equitable basis in their work to the life of the institution.
- 7.2.2 The University will seek to ensure that so far as is reasonably practical, that all parts of the University are accessible and safe for all staff, regardless of any disability.
- 7.2.3 The University will respond sympathetically to members of staff whose personal circumstances change and will endeavour to meet their needs through agreement on retraining, redeployment, and/or flexible working arrangements where practical.
- 7.2.4 The University will not discriminate on the basis of gender or marital status in the allocation of duties or shifts except where night work restrictions apply in which case exemptions may be considered.
- 7.2.5 The University will keep under review the need to provide adequate parental or family responsibility leave for all members of staff.
- 7.2.6 Terms of employment, benefits, facilities and services available to staff will be kept under review to ensure that they are provided in a way which is free from unlawful discrimination.
- 7.2.7 Part-time staff will receive pay, benefits, facilities and services on a pro rata basis to their full-time comparators unless otherwise objectively justified.
- 7.2.8 Where the University's arrangements relating to terms of employment, benefits, facilities and services put disabled staff at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage;

7.3 Probation, Promotion & Career Development

- 7.3.1 The University is committed to offering all members of staff opportunities for development, training and promotion within the terms of their employment and on the basis of their relevant qualifications and abilities. It supports the principle that career development and promotion prospects should not be jeopardised by a member of staff's race, gender, gender expression or identity, sexual orientation, religion and belief, age, disability, pregnancy or maternity, marital or partnership status, part-time status or any other unjustifiable factor.
- 7.3.2 Information about the criteria and procedures for development, training and promotion will be made available to all staff and these criteria and procedures will be kept under review.

- 7.3.3 Assessment criteria and staff performance and development planning schemes will be carefully examined to ensure that they are not discriminatory.
- 7.3.4 Where the University's arrangements in relation to probation, promotion or career development put disabled workers at a substantial disadvantage for a reason connected with their disability, reasonable adjustments to the arrangements will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.

7.4 University Procedures

- 7.4.1 The University will endeavour to develop appropriate standards in the use of language (both written and spoken) in order to eliminate sexist and racist bias in particular, as well as any bias against those with other protected characteristics mentioned in this Policy. It will endeavour to use non-discriminatory language in all its internal and external documents and official correspondence.
- 7.4.2 Documentation and materials produced by both teaching and professional services staff and departments will be monitored to ensure they reflect the principles underpinning this Policy.

7.5 Information and training on Equality

- 7.5.1 This Policy will be publicised in appropriate ways within the University and a copy will be issued to all members of staff. All new staff are required to complete the mandatory online Equality and Diversity e-learning module as part of their induction and all existing staff are also required to complete this.
- 7.5.2 All staff who play a part in decisions regarding staffing matters will be made aware of common perceptions which may result in direct or indirect discrimination. They will, therefore, avoid generalised assumptions about matters such as age, race, sex and sexual orientation, marital status and disability not relevant to the merits and potential of individuals and will be aware of the effects such assumptions might have on their decisions.
- 7.5.3 The University will continue to give guidance on Equality to members of staff, particularly those with managerial responsibility. Appropriate training courses will be arranged periodically.

7.6 Monitoring and Review

- 7.6.1 Statistical records will be maintained where possible of the representation of the protected characteristics of current staff, applicants for posts, candidates interviewed, new appointments and staff applying for or proposed for promotion. Information for the statistical record will be gained by anonymous and voluntary self-assessment.

7.6.2 Heads of Department will submit reports to the Senate as required.

7.6.3 An annual report shall be submitted to the Senate on the operation of this Policy, by providing information on the outcome of the relevant year's monitoring, and an account of specific measures adopted in that year to promote Equality.

7.7 Engagement and Support Networks

7.7.1 The University will encourage both proactivity and responsiveness in Equality matters. Initiatives whose objective is to promote Equality will be supported and encouraged, subject to availability of appropriate resource. Staff networks exist for staff in support of disability, LGBT+, women, parents and carers and Chester Students Union similarly maintains active and engaged student networks related to Equality. The University welcomes these developments and seeks to ensure their continued flourishing.

Section 3 - Students

8 General

- 8.1 The University will not discriminate on the basis of age, disability, full-time or part-time status, gender, gender expression or identity, marital, partnership or parental status, race, nationality, colour, ethnic or national origin, religion or belief, sexual orientation, pregnancy or maternity, or socio-economic background in the admission of students, provision of student benefits or general facilities and services.
- 8.2 The University will seek whenever possible to organise its timetable and course requirements (e.g. school practice allocation, placement for field work or visits) in such a way as to promote maximum flexibility in meeting the needs of particular students who would otherwise be disadvantaged by reason of a protected characteristic. It will also seek wherever possible to provide additional facilities (e.g. access to a crèche, student and graduate careers, counselling and health care), to enable its equal opportunities policy to operate effectively.
- 8.3 The University will combat any form of discrimination, overt or covert, which reveals misunderstanding of the culture of ethnic minority students in the areas of residence, diet or social organisation, and which might alienate such students.

9 Admissions and Recruitment

- 9.1 The University will periodically review its admissions policy and procedures in order to seek to recruit students from all sectors of society, recognising that all students benefit from the experience of living and working in ethnically and culturally diverse groups.
- 9.2 A statement expressing the University's commitment to Equality will appear in prospectuses and publicity material.
- 9.3 Selection criteria throughout the process of admissions will adhere to the principles specified in section 1.2, including desisting from asking questions at interview relating to the matters listed in that section. Those involved in selection and interviewing procedures will receive guidance in implementing this Policy.
- 9.4 The University will seek to extend access by a variety of means, such as through flexible course structures, forms of part-time study, non-traditional entry and accreditation of prior learning. The University will, in particular, seek to widen opportunities for mature student entry and, *inter alia*, to help those seeking to return to education after a break in career for family reasons.
- 9.5 The University will adopt appropriate strategies and policies in order to recruit and retain students from underrepresented groups in Higher Education with specific reference to students from Black and Minority Ethnic Communities and Disabled Students.

10 Advice and Support

- 10.1 Induction courses will include an explanation of this Policy, including the complaints procedures, access to childcare provision and relevant facilities for people with disabilities and specific needs.
- 10.2 Clear information will be given about the structures and systems of support available to students in relation to Equality and the range of staff who will be available to help them should a difficulty arise.
- 10.3 The University will maximise its commitment to the preparation of students for work in a multi-ethnic society by the provision of appropriate school practice and work experience placements and by the provision of careers advice.

Section 4 – Enforcement and Impact Assessment

11 Grievances, Complaints and Disciplinary Action

11.1 Complaints by Members of Staff

A complaint by an existing member of staff against the University or another member of staff alleging direct discrimination, indirect discrimination, victimisation or discrimination arising from, or failure to make reasonable adjustments for, disability should be raised as a grievance under the staff grievance procedure. Where the conduct complained of may amount to harassment, sexual misconduct, bullying or victimisation by another member of staff (whether or not it is on the grounds of age, disability, race, religion or belief, sex or sexual orientation or other protected status), it should be raised under the Dignity and Respect Policy. Any action against an individual member of staff which is found to be necessary arising from the complaint will be taken under the staff disciplinary procedure. If the member of staff's complaint is against a student, it will be dealt with under the student disciplinary procedure.

A complaint from a prospective employee should be addressed to the Director of Human Resources.

11.2 Complaints by Students

A complaint by an existing student against the University, a member of staff or another student alleging direct discrimination, indirect discrimination, victimisation or discrimination arising from, or failure to make reasonable adjustments for, disability should be raised as a complaint under the student complaints procedure. Where the conduct complained of may amount to harassment, bullying or victimisation by a member of staff (whether or not it is on the grounds of age, disability, race, religion or belief, sex or sexual orientation or any other protected characteristic), it should be dealt with under the Dignity and Respect Policy. Any action against an individual member of staff which is found to be necessary arising from the complaint will be taken under the staff disciplinary procedure. If the student's complaint of harassment, bullying or victimisation is against another student, it will be dealt with under the student disciplinary procedure.

A complaint from a prospective student should be addressed to the Director of Student Services.

11.3 Members of staff and students who, in good faith, bring a grievance or complain of harassment (or assist another to do so) either under this Policy or otherwise in relation to an Equality matter will not be disciplined, dismissed or otherwise victimised for having done so.

12.0 Equality Impact Assessments

- 12.1 The University has adopted a comprehensive Equality Impact Assessment (EQIA) process by which the impact of policies, provision, criteria and practice on all protected characteristics will be assessed.
- 12.2 Appropriate procedures and supporting documents are available detailing the EQIA process.

13 Further Information and Associated Documents

- 13.1 Further information on the meaning of discrimination generally, on protected characteristics and on the University's commitment to Equality can be found in the Appendix to this Policy.
- 13.2 All policies and code of practices referred to in this policy are available to request through Human Resources or can be accessed directly on the Diversity and Equality webpage on Portal home page.

Code of Practice on Freedom of Expression

Staff Code of Conduct

Dignity and Respect Policy

Equal Pay Policy

Family Friendly Policies (Maternity Leave, Paternity Leave, Adoption Leave, Shared Parental Leave, Time Off for Dependants etc.)

Policy on Requesting Flexible Working

Mental Health Policy

Recruitment and Selection Policy

Time Off for Religious Observance Guidelines

Equality and Diversity Charter

Athena SWAN Charter Application and Action Plan.

Guidelines on providing Reasonable Adjustments

Gender Identity Guidelines

Annual Equality Report

Guidelines for accessing Access to Work

Employee Health Management and Sickness Absence Policy

APPENDIX – FURTHER INFORMATION

1.0 **Discrimination**

Discrimination may be any of the following:

- a) direct;
- b) indirect;
- c) discrimination arising from disability;
- d) harassment; or
- e) victimisation.

1.1 Direct Discrimination: Less favourable treatment because of a protected characteristic (age, disability, gender reassignment, race, religion or belief, sex, gender expression or identity, sexual orientation, pregnancy or maternity, or marital or partnership status).

Direct discrimination includes, for example the exclusion of women, disabled people or ethnic minorities.

Activities such as the following may constitute or lead to direct discrimination:

- Selection interviews raising questions about how members of the candidate's family will be cared for if the post or place is taken up, or how the candidate thinks s/he will 'fit in' if s/he is from a minority group or asking potentially discriminatory questions of one person or group which are not asked of all candidates.
- Marking systems which consistently downgrade particular groups of students without proper criterion referencing and marking scales or support for such students.
- Preference expressed for particular candidates at interview prior to evidence being collected from the application forms and the interview procedures.

1.2 Indirect Discrimination: To apply a criterion, provision or practice to all which has the effect of disadvantaging people of a particular protected characteristic.

Indirect discrimination is more common than direct discrimination and may include:

- Setting criteria for selection e.g. qualifications, which cannot be justified by the nature of the job and which are to the detriment of a particular individual or group.
- Using tests which cannot be justified by the nature of the job to discriminate against those whose first language is not English.

1.3 Discrimination arising from Disability: see 2.1.2 below.

1.4 Harassment: Harassment can take many forms, occurs on a variety of different grounds and can be directed at one person or many people. An essential characteristic is that it is unwanted by the recipient and that the recipient finds the conduct offensive or unacceptable. Conduct usually

becomes harassment if it continues once it has been made clear that it is regarded by the recipient as unwelcome, although a single incident may amount to harassment if sufficiently serious. It is the unwanted nature of the conduct that distinguishes harassment from friendly behaviour which is welcome and mutual. Harassment can be based on age, disability, gender identity/expression, race, religion or belief or sexual orientation and other grounds listed in the University's Dignity and Respect Policy, which also gives examples of the type of behaviour which may constitute harassment.

1.5 Discrimination by Victimisation: Less favourable treatment on the ground that the person concerned has made a complaint or allegation of discrimination, or has acted as a witness or informant in connection with proceedings, or has been involved in any other way, or intends to do any of those things.

Sexual Misconduct: Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- [Physical unwanted sexual advances](#) (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the [Equality and Human Rights Commission: Sexual harassment and the law, 2017](#))
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).
- Ridicule, sexually provocative jokes or comments, intrusive questions about a person's private life
- unwelcome sexual advances or physical contact,
- It may also include treating an individual less favourably because they submitted to or rejected sexual advances.
- Sexual interaction that is mutual or consensual is not sexual harassment as the conduct is not unwanted, however, sexual conduct that has been welcomed previously can become unwanted.

2 Disability

2.1 General

2.1.1 The University will have due regard in performing its functions to the need to:

- eliminate discrimination that is unlawful under the Equality Act 2010.

- eliminate harassment of disabled people related to their disabilities;
- promote equality of opportunity between disabled people and others;
- take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than others;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life.

2.1.2 In addition to direct and indirect discrimination, the Equality Act 2010 also makes discrimination against disabled people unlawful if they are treated unfavourably because of something arising in consequence of their disability and it cannot be shown that their treatment is a proportionate means of achieving a legitimate aim.

2.1.3 The general Equality principles set out earlier in this Policy will apply to disabled people. The University's policy is that current and prospective disabled staff and students should be able to participate in all of the University's activities fully on an equal basis with people who are not disabled.

2.1.4 If any arrangements made by or on behalf of the University or any physical feature of premises occupied by it, put disabled people at a substantial disadvantage compared to people who are not disabled, the University will take such reasonably practicable steps as it can to prevent this disadvantage.

2.1.5 The University's Single Equality Scheme and Action Plan detail the University's commitment to achieving disability equality and eliminating harassment on the grounds of disability.

2.2 Definition of Disability under the Equality Act

2.2.1 The Equality Act defines disabilities as either physical or mental impairments that have a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

For the purposes of the Act:

- substantial means neither minor nor trivial
- long-term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- normal day-to-day activities are not specified in the Act but would include everyday things like eating, washing, walking and going shopping

2.2.2 Some disabilities are immediately obvious, for example use of a wheelchair, while other disabilities may not be apparent, for example HIV. Certain conditions are not considered to be disabilities, for example poor eyesight which is corrected simply by wearing

prescription spectacles, addiction to alcohol or other substances or hay fever. People who have had a disability in the past that meets the definition are also covered by the scope of the Act. HIV, cancer and multiple sclerosis are deemed to be covered by the Act from the point of diagnosis, rather than from the point when the condition has some adverse effect on ability to carry out normal day-to-day activities. If further information is required about whether a particular condition is a disability Human Resources should be consulted.

2.3 Responsibilities

2.3.1 Responsibility for the implementation of the University's commitment in respect of disability lies with Deans, Directors, line managers and Heads of Department. All Departments should be aware of:

- Access to Work funding for equipment, support or adaptations to the working environment
- The concept of reasonable adjustment
- Relevant legislation

2.3.2 The Director of Human Resources will monitor arrangements in Departments, will provide any advice and assistance required relating to the employment of disabled persons and will liaise with government agencies and other relevant bodies.

2.4 Recruitment of Staff

2.4.1 The Recruitment and Selection Policy and Procedure outlines the University's commitment to equality of opportunity for disabled staff in relation to advertising, interviewing, entry procedures and making reasonable adjustments.

2.5 Admission of Students

2.5.1 Marketing, Recruitment and Admissions include the following statement in all documentation produced: "The University of Chester is committed to the active promotion of equality of opportunity. Applications are particularly welcome from those groups currently under-represented in higher education. For a copy of our diversity and equality policy in admissions, please contact us at enquiries@chester.ac.uk.

2.5.2 Students with disabilities and specific needs will be offered support through the Personal Academic and Disability Link Tutor system and through the Disability Support Service. This applies to all aspects of academic study, including work-based learning.

2.5.3 Some students may be subject to Fitness to Study assessment prior to commencement of the course of study, particularly where competence standards may apply to a prospective student's programme.

2.5.4 Consideration will be given to appropriate teaching spaces and examination procedures. Details on exam procedures are available on Portal Home Page » Students » Academic Regulations » Exams and Assessments (General).

2.6 Practical Matters

2.6.1 Because there is a wide variety of potential disabilities and any particular disability is likely to affect different people in different ways, it would be inappropriate to prescribe rigid rules on how issues concerning disabled people should be dealt with. What is essential, however, is that all managers should take all reasonably practical steps to ensure that disabled people are not treated less favourably or disadvantaged by comparison to people who are not disabled in relation to their work, working environment, or by arrangements made by the University.

2.6.2 The following general steps should always be considered where issues concerning disabilities arise or may arise:

- **Be flexible.** There may be many different ways to avoid discrimination or to minimise the effects of discrimination.
- Consider any performance or attendance problems in the context of the person's disability and its effect on his or her ability to meet performance and attendance targets.

- **Do not make assumptions.** Whenever possible talk to the disabled person to find out the effects of the disability and what steps might help.
- Do not apply disciplinary measures for performance or attendance-based reasons without first establishing whether the disabled person's performance or attendance is affected by the disability and that appropriate adjustments to accommodate the disability have been made.
- **Seek expert advice.** Disability issues can be complex and expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person may be needed.
- **Think ahead.** Try to anticipate the effects that certain arrangements may have on disabled people, to prevent problems occurring in the future.

2.6.3 Disability Access – By law, the University will comply with Building Regulations (Part M Amendment) Regulations 2010. In addition, the University will conduct regular access audits and incorporate best practice access considerations into all new build and refurbishment plans, consulting with the Disabled Staff Group annually.

2.6.4 The University's Disabled Staff Group exists to provide support, networking, development and consultation with to anyone who identifies as disabled. A range of staff including the HR Manager – Diversity; LIS Officer- Assistive Technologies, designated HR Advisers and HR Business Partners and Dyslexia Specialists exist within the University to provide specialised support for disabled staff and the University's Occupational Health and Employee Assistance Programme can also be consulted.

3 Age

3.1 The Equality Act 2010 prohibits unjustifiable discrimination because of age against:

- staff or prospective staff (the Regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training);
- students in the terms on which admission is offered or refused or exclusion imposed, in the way access to any benefits is afforded or refused or any other detriment is imposed.

3.2 The University's Recruitment and Selection Policy, Retirement Policy and Redundancy procedures have been updated to reflect the legislation and to ensure discrimination on the grounds of age does not occur.

4 **Race**

4.1 The University in carrying out its functions will have due regard to the need:

- to eliminate unlawful racial discrimination;
- to promote equality of opportunity; and
- to promote good race relations between persons of different racial groups.

4.2 The University will also:

- assess the impact of its policies (including the race equality policy) on students and staff from different racial groups
- monitor the applications, admissions and progression of students and the recruitment and career progress of staff by racial groups
- set out the University's arrangements for publishing the results of assessments and monitoring
- take such steps as are reasonably practicable to publish the results of monitoring.

4.3 The Equality Act 2010 makes it illegal to discriminate against someone because of nationality and colour, or ethnic, racial, or national group. Discrimination on 'racial grounds' is defined as discrimination on the grounds of any of:

- colour
- race
- nationality
- ethnic origins
- national origins.

4.4 Probation, promotion and, especially, selection panels for both students and staff must ensure that their agreed criteria for assessment are not in themselves unfairly discriminatory against members of a particular racial group.

4.5 In recruitment and selection for both students and staff, interviewers must guard against more subtle and unconscious varieties of discrimination which can result from general assumptions about the capabilities, characteristics and interests of ethnic minority groups.

4.6 The University's Single Equality Scheme and Action Plan (Equality Objectives) detail the University's commitment to achieving race equality and eliminating harassment on the grounds of race.

5 **Sex**

5.1 The University in carrying out its functions will have due regard to the need:

- to eliminate unlawful discrimination and harassment on the grounds of sex
- to promote equality of opportunity between women and men.

5.2 The University will also:

- in formulating its overall objectives, consider the need to include objectives to address the causes of any gender pay gap.
- gather and use information on how its policies and practices affect gender equality in the workforce and in the delivery of services.
- consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine its sex equality objectives.
- assess the impact of its current and proposed policies and practices on sex equality.

5.3 The Equality Act 2010 makes it unlawful to discriminate directly or indirectly on the grounds of sex or marriage. Interviewers for both staff and students must be particularly careful not to treat a person of one sex less favourably than a person of the opposite sex or a married person differently from a person who is not married.

5.4 All applicants or staff should be assessed on the same job-related criteria regardless of sex, marital status and domestic responsibility and only questions relevant to those criteria should be asked.

5.5 Those responsible for appointments and promotions in the University should be aware that they need to be particularly careful when assessing female staff or female applicants to avoid preconceptions and personal assumptions which could cause them to discriminate unfairly.

5.6 The University holds an Institutional Bronze Athena SWAN award. Athena SWAN is a national scheme, run by Advance HE, which recognises a commitment to supporting and advancing gender equality: representation, progression and success for all. The University's application and 63-point action plan detail the University's commitment to achieving gender equality and eliminating harassment on the grounds of sex. There is a particular emphasis on the development and promotion of women to more senior roles within the University, where there is current under-representation and overcoming obstacles created by caring responsibilities, family leave and/ or flexible working.

5.7 The University has a Women's and a Parents' Network which both exist to provide support, networking, development and consultation opportunities to those who identify as female and who undertake a parenting role respectively. The University also operates a Carers' network online and is developing this provision further.

6 Religion and Belief

6.1 The Equality Act 2010 prohibits discrimination on the grounds of religion or belief.

- 6.2 The Act defines religion or belief as meaning:
- any religion or
 - religious or philosophical belief.
- 6.3 The University will ensure compliance with this legislation in all areas of employment and education.

7 Sexual Orientation

7.1 The Equality Act 2010 prohibits discrimination on the grounds of sexual orientation.

7.2 Sexual orientation means sexual orientation towards:

- persons of the same sex
- persons of the opposite sex
- persons of both sexes

The Equality Act therefore applies to protect people from being discriminated against on the grounds of being gay men, lesbians, bisexual men and women or heterosexual.

7.3 In addition the Act covers discrimination on the following grounds:

- association with someone of a particular orientation, for example discrimination against an employee because their child is gay
- refusal to carry out an instruction to discriminate
- the **perception** of orientation. For example if a worker is discriminated against because the employer thinks that s/he is gay then the Equality Act will apply, regardless of whether the worker is gay or not. The complainant does not have to disclose his or her orientation at any stage.

7.4 The University has an LGBT+ staff group to provide support, networking, development and consultation opportunities to those who identify as lesbian, gay, bisexual, trans or any other sexuality or gender identity.

7.5 The University will ensure compliance with the Equality Act in all areas of employment and education.

8 Transgender (Gender Expression and/or Identity)

8.1 The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise someone if

- s/he intends to undergo gender reassignment
- is undergoing gender reassignment or
- has at some time in the past undergone gender reassignment.

- 8.2 The Gender Recognition Act 2004 gives legal recognition in the acquired gender to transgender people who satisfy the Gender Recognition Panel (a judicial body of lawyers and doctors) that they
- have or have had gender dysphoria (feeling that the gender identity is different from the anatomical sex)
 - have lived in the acquired gender for two years prior to the application and
 - intend to live permanently in the acquired gender.
- 8.3 If someone has a gender recognition certificate it is unlawful to discriminate on grounds that would apply to anyone else of the acquired gender.
- 8.4 The Athena SWAN application and action plan (see 5.6) also covers Supporting Trans People.
- 8.5 The University will ensure compliance with this legislation in all areas of employment and education.