



Equality and Diversity Policy

1. Introduction

LMA is committed to promoting equality and diversity through all its practices – both in terms of the education and experience it delivers to students and also the environment we create for staff. As an educational provider, we serve some of the most deprived areas of the country and also some of the most diverse; we recognise not only the relevant Equality legislation but also the most basic principle of fairness and the importance of creating a community where everyone has equal opportunity and access. We believe that everyone matters equally, and that everyone – students and staff alike – has the opportunity to achieve.

2. Policy Statement

LMA is committed to valuing diversity and to promoting and implementing equality in all its activities and services provided to staff, students, stakeholders and visitors to LMA.

LMA opposes all forms of unlawful or unfair discrimination on the grounds of age, disability, gender reassignment, race, religion or belief (which includes religious and philosophical beliefs including lack of belief), sex, sexual orientation, marriage or civil partnership (in respect of the need to eliminate discrimination in employment), pregnancy or maternity or trade union involvement.

Under the Equality Act 2010 LMA has a general duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation, bullying and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between different people who share a protected characteristic and people who do not share it

3. Vision

We will deliver the biggest and best opportunities for our students, becoming the provider of choice for learners and employers alike; as an employer, we will seek to be the employer of choice for our staff. LMA will be a system leader in the sector, building a culture founded on innovation and enterprise and continuous improvement.

4. Our Values

- Diversity: Embracing inclusivity, equality and diversity
- Quality: Providing the highest standards of teaching and learning
- Inspire: Inspiring you to realise your full potential
- Ambition: Striving to be the best you can be
- Partnership: Working together to create sustainable improvement for you
- Passion: Determination to make a difference for you
- Innovate: Always looking for new ideas and solutions to help you grow

5. LMA Profile

LMA is a FE and HE education provider based, across two campuses, in Liverpool City Centre. We have just over 500 students across all courses and specialise in all aspects of Media , Media Music and Performing Arts based courses delivering industry standard training to students between 16-24 from a diverse range of backgrounds. .

6 Prohibited Conduct

The Act consolidates existing law into a single legal framework and while many of the concepts of discrimination remain the same as in previous equality legislation there are some areas that were not previously covered. This section describes the various types of discrimination.

6.1 Direct Discrimination

Direct discrimination occurs when a person is treated less favourably than another on the grounds of any of their protected characteristics.

6.2 Discrimination Based on Association

Direct discrimination also occurs when a person is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

This might occur when a person is treated less favourably because their sibling, parent, carer or friend has a protected characteristic.

6.3 Discrimination Based on Perception

Direct discrimination also occurs when a person is treated less favourably because it is mistakenly thought or presumed that they have a protected characteristic (other than pregnancy and maternity).

6.4 Indirect Discrimination

Indirect discrimination occurs when a provision, criterion or practice is applied in the same way for all, but this has the effect of putting individuals/groups sharing a protected characteristic at a particular disadvantage.

6.5 Indirect discrimination will occur if the following four conditions are met:

- the provision, criterion or practice is applied (or would apply) equally to all, including individuals or groups with a protected characteristic
- the provision, criterion or practice puts or would put individuals sharing a protected characteristic at a particular disadvantage compared to those who do not share that characteristic
- the provision, criteria, practice or rule puts or would put the particular individual/group at that disadvantage
- it cannot be shown that the provision, criteria or practice is justified as a “proportionate means of achieving a legitimate aim”.

What is a ‘*proportionate means of achieving a legitimate aim*’?

To be legitimate, the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of further and higher education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of learners.

Even if the aim is legitimate, the means of achieving it must be proportionate.

Proportionate means, *appropriate and necessary*, but *necessary* does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the justification, if there are other good reasons for adopting the chosen practice.

6.6 Discrimination Arising from Disability

Discrimination arising from disability occurs when a person with a disability is treated less favourably because of something connected with their disability and such treatment cannot be justified.

Such discrimination is different from direct discrimination as direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the reason for the treatment does not matter; the question is whether the person with a disability has been treated unfavourably because of something connected with their disability.

Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the individual or for the person to compare himself or herself with anyone else.

Discrimination arising from disability will occur if the following three conditions are met:

- a person with a disability is treated unfavourably, that is putting them at a disadvantage, even if this was not the intention,
- this treatment is because of something connected with the person's disability (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour,
- the treatment cannot be justified by showing that it is "a proportionate means of achieving a legitimate aim".

6.7 Knowledge of Disability

If it can be shown that:

- it was not known that the person had the disability in question,
- it could not reasonably have been expected to know that the person had the disability

then the unfavourable treatment does not amount to unlawful discrimination arising from disability.

Relevance of Reasonable Adjustments

Acting quickly to identify and put in place reasonable adjustments for people with disability, will often avoid discrimination arising from disability. However, there may be cases where an adjustment is unrelated to the unfavourable treatment in question. If failing to make an appropriate reasonable adjustment, it is likely to be very difficult to argue that the unfavourable treatment is justified.

6.10 Harassment

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Conduct of a sexual nature is specifically included within the definition, although marriage/civil partnerships and pregnancy/maternity are not included as protected characteristics for harassment. As an employer, LMA is required to take reasonably practicable steps to prevent a third party (i.e. someone other than a manager or other employee) from harassing an employee.

6.9 Victimisation

Victimisation occurs when a person is treated badly because they have made, supported or raised a complaint or grievance under the Equality Act; or because they are suspected of doing so. A person is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

6.12 Positive Action

Positive action is when action is taken specifically to help someone who has a protected characteristic. There are several different reasons why it may be appropriate to take some sort of positive action, for instance if a person is suffering some kind of disadvantage linked to that characteristic, or if they have particular needs, or if people with that characteristic are under-represented in an activity or a type of work.

One form of positive action is encouraging or training people to apply for jobs or take part in an activity in which people with that characteristic are under-represented. This may be done by means of training courses, mentoring schemes or even open days or other events to show people what a particular job or activity is really like.

Another type of positive action is where someone providing goods or services targets a group who share a protected characteristic because they have particular needs linked to that characteristic. Whilst it is easier under the new law for employers and service providers to take positive action, taking any form of positive action is entirely voluntary and organisations only need to do this if they want to.

7. LMA's Approach to Achieving Equality and Diversity

In order to support LMA's commitment to equality and diversity and to meet the requirements of current legislation, LMA has designed this Single Equality policy.

In light of the Equality Act 2010, the policy has been developed so as to include all the identified protected characteristics. The policy will also be extended to include socio-economic status.

The Policy will help to achieve a framework for action across all protected characteristics, and help us to communicate and manage equality responsibilities and targets.

This Policy demonstrates our commitment to go beyond compliance with the legislation, and to move towards embedding equality and diversity by bringing together our work into one place.

8. Responsibility for the Policy

All employees of LMA have a responsibility for implementing all policies relating to equality and diversity and promoting equality and diversity in all aspects of their work. Specific behaviours and responsibilities are identified below:

8.1 The Principal

The Principal is responsible for providing a consistent and high profile lead on all Equality and Diversity issues and ensuring the effective application of the equality and diversity policy and its procedures.

8.2 SLT is required to:

- ensure that admissions criteria do not discriminate against or unnecessarily exclude any individual or group of learners (where appropriate)
- ensure that plans for new courses and curriculum development take account of the Policy
- inform and consult staff on equality and diversity developments
- ensure that equality and diversity issues are covered in course quality reviews and self-assessment and are addressed in the sections self-assessment and development plan
- use course data to monitor learner performance and identify and address any issues of under-representation or under-performance by any group of learners
- use course data to set equal opportunity related targets as appropriate
- disseminate good practice
- address equality and diversity issues in staff appraisal
- address equality and diversity issues through staff development

8.3 Business Support Managers are required to:

- ensure that staff are aware of the Equality and Diversity Policy and of their specific responsibilities

- inform and consult staff on quality and diversity developments, ensuring that equality and diversity issues are covered in quality reviews and self-assessment and are addressed in the development plan
- ensure that staff recruitment, training, promotion and work practices conform with the Policy
- address equality and diversity issues through staff development

8.4 Business Support Staff are required to:

- deal equally and fairly with colleagues, internal and external customers irrespective of age, disability, race, religion or belief, gender, gender reassignment, sexual orientation, pregnancy and maternity or any other grounds
- take appropriate and immediate action in the event of incidents of harassment, victimisation or discrimination and if necessary alert or involve more senior staff

8.5 Creative Directors and Curriculum Managers are required to:

- ensure that admissions criteria do not discriminate against or unnecessarily exclude any individual or group of learners (where appropriate)
- monitor course data to address any issues of under-representation or underperformance by any group of learners
- ensure that students are aware of their responsibilities and rights in respect of discrimination, victimisation, harassment and bullying and of the procedures for making complaints
- take appropriate and immediate action in the event of incidents of harassment, bullying, victimisation, or discrimination
- be aware of the variety of students' personal circumstances and difficulties which may impede learning and the appropriate referral points available
- provide guidance and referrals to additional support services
- fully address equality and diversity issues in course self-assessment and development plans
- address equality and diversity issues in staff appraisal
- address equality and diversity issues through staff development

8.6 Tutors and Support Staff are required to:

- have high expectations for all students regardless of their age, disability, race, religion or belief, gender, gender reassignment, sexual orientation, pregnancy and maternity or any other grounds
- ensure that curriculum materials do not exclude any individual or group of students
- use teaching materials, content and methods, where possible, which take account of the diverse learning needs, styles and preferences of learners
- create a learning environment which is inclusive and enables all learners to feel comfortable and is conducive to learners realising their potential
- provide guidance and referrals of learners to additional support services
- adopt marking policies and assessment methods which treat all learners impartially and do not discriminate against any individual or group of learners
- take appropriate and immediate action in the event of incidents of harassment, victimisation or discrimination and if necessary alert or involve more senior staff

- address any issues of stereotyped attitudes and prejudiced thinking in order to develop learner awareness of the basic concepts of equality and diversity

8.7 Students:

- have high expectations of LMA to tackle discrimination and promote equality and diversity
- treat all staff, students and visitors with respect at all times
- abide by the Equality and Diversity at all times
- report incidents of harassment, victimisation or discrimination to a member of staff

8.8 The Estates department has primary responsibility for facilitating the accessibility of LMA's buildings.

8.9 Student Services may provide informal advice in the first instance to any student prior to bringing any complaint or grievance.

All members of LMA have a duty to act in accordance with this policy, and therefore to treat colleagues with respect at all times and not to discriminate or harass other students or members of staff.

Any student or member of staff who breaches the policy may face disciplinary action.

Any student or member of staff who has a complaint concerning breach of this policy may bring such a complaint in accordance with procedures in the Student Handbook and staff contract.

9. Background and Summary of Work Already Undertaken

LMA continually works proactively on all aspects of equality and diversity by:

- Monitoring and reporting on race, disability, learning difficulty age and gender for staff and students
- Gathering additional personal data that covers other protected characteristics from staff and students on a voluntary basis
- Delivering training and updates on equality and diversity throughout the year
- Working in partnership with other local organisations

10. Reviewing and Publication

Under the specific duties of the Equality Act 2010, the policy will be reviewed annually at the end of that current academic year and a report submitted to SLT outlining progress and recommendations for the year ahead.

The policy will undergo a comprehensive review every three years to ensure that it continues to effectively support LMA's Strategic Aims and remains relevant to the equality and diversity of all staff and students.

11. Gathering Information and Monitoring Arrangements

In line with statutory duties, Equality Information will be published on an annual basis. LMA has in place procedures to monitor the make-up of staff and student groups in terms of race, disability (including learning difficulties for students), gender and age. With respect to the workforce data is analysed by recruitment, promotions, training and development, disciplinary, grievance and turnover; and for students the educational opportunities available to and the achievements of students across the protected characteristics. In addition, staff and students are encouraged and supported to complete additional personal information that covers the remaining protected characteristics. Data collated from the profile of complainants and types of complaints is also analysed.

This data is used to inform LMA Self-Assessment Reports and Action Plans and to improve student achievement and will be included in the annual report.

12. Complaints

LMA has a robust complaints policy and procedure where all complaints are monitored for any forms of bullying, harassment or discrimination.

LMA provides a supportive environment for those who make claims of discrimination or harassment on the grounds of any protected characteristic. Acts of discrimination, harassment, victimisation, bullying or abuse will be treated as a serious disciplinary offence.

Employees felt to be discriminated against their protected characteristics by other employees should raise the matter under the Grievance guidelines stated in the staff contract.

In the course of their work or study any students or employees who suffer discrimination from members of the public or those from partner organisations, LMA will take appropriate action and provide appropriate support.

Discriminatory behaviours by students toward employees or other students will be dealt with under the Student Disciplinary Procedure.

Any behaviours considered as a Safeguarding and/or Child Protection issue will be dealt with under the Safeguarding Policy.

All complaints will be analysed from an equality and diversity perspective to eliminate any discriminatory practice that may occur.

13. Equality and Diversity Objectives

- Create a community which embraces inclusivity through the promotion and celebration of equality and diversity.
- Create a staff environment in which cultural diversity is valued and celebrated with a fundamental commitment to equality of opportunity.
- Provide prospective and current students with fair access and suitable support to fulfil their potential to achieve and progress.

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