



## **Equality, Diversity and Inclusivity Policy**

### **The purpose of this policy**

LMA is committed to promoting Equality, Diversity and Inclusivity 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, staff, prospective students and members of the broader LMA community – has the opportunity to achieve.

### **Equality, Diversity and Inclusivity Objectives**

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

### **Our approach**

LMA is committed to valuing diversity and to promoting and implementing equality and inclusivity 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 identity, gender reassignment, race (which includes colour, nationality and ethnic or national origins), 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.

In accordance with the provisions of the Equality Act 2010 (the 'Act') and other relevant policies/guidance, LMA is dedicated to working 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; and
- foster good relations between different people who share a protected characteristic and people who do not share it.

In order to support LMA's commitment to equality, diversity and Inclusivity 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, diversity and inclusivity by bringing together our work into one place.

**Who this policy applies to**

This policy applies to all staff (whether permanent, fixed or temporary) students and visitors within LMA. This includes employees, officers, visiting, seconded and agency staff, contractors, agents, volunteers, interns, any third-party representative, subcontractor or agent, and any other person working in any context within LMA.

**Roles and responsibilities**

All members of the LMA community are expected to uphold and conduct themselves in accordance with the provisions of this policy and in accordance with the 'LMA Way'.

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

<b>Board of Directors / Senior Leadership Team</b>	<p>Providing a consistent and high profile lead on all Equality, Diversity and Inclusivity issues; and</p> <p>Ensuring the effective application of the Equality, Diversity and Inclusivity policy and its procedures.</p>
<b>Senior Leadership Team</b>	<p>Ensuring that admissions criteria do not discriminate against or exclude any individual or group of learners (where appropriate);</p> <p>Ensuring that plans for new courses and curriculum development take account of the Policy;</p> <p>Informing and consulting with staff on equality and diversity developments;</p> <p>Ensuring that Equality, Diversity and Inclusivity issues are covered in course quality reviews and self-assessment;</p> <p>Using course data to monitor learner performance and identify and address any issues of under-representation or under-performance by any group of learners;</p> <p>Using course data to set equal opportunity related targets as appropriate;</p> <p>Disseminating good practice;</p> <p>Addressing Equality, Diversity and Inclusivity issues through staff appraisal; and</p> <p>Providing professional development to all staff ensuring our practices are current and in keeping with Equality, Diversity and Inclusivity legislation and best practice.</p>
<b>Business Support Managers</b>	<p>Ensuring that staff are aware of the Equality, Diversity and Inclusivity Policy and of their specific responsibilities;</p>

	<p>Informing and consulting with staff on Equality, Diversity and Inclusivity developments, ensuring these are covered in quality reviews and self-assessment and are addressed in the development plan;</p> <p>Ensuring that staff recruitment, training, promotion and work practices conform with the Policy; and</p> <p>Addressing equality, diversity and inclusivity issues through staff appraisal and staff development.</p>
<b>Business Support Staff</b>	<p>Dealing 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; and Taking appropriate and immediate action in the event of incidents of harrasment, victimisation or discrimination and if necessary alert or involve more senior staff.</p>
<b>Senior Leadership Team / Heads of Department ]</b>	<p>Ensuring that admissions criteria do not discriminate against or exclude any individual or group of learners (where appropriate);</p> <p>Monitoring course data to address any issues of under-representation or underperformance by any group of learners;</p> <p>Ensuring that students are aware of this policy, and of their responsibilities and rights in respect of discrimination, victimisation, harassment and bullying and of the procedures for making complaints;</p> <p>Taking appropriate and immediate action in the event of incidents of harassment, bullying, victimisation, or discrimination;</p> <p>Being aware of the variety of students' personal circumstances and difficulties which may impede learning and the appropriate referral points available;</p> <p>Providing guidance and referrals to additional support services;</p> <p>Fully addressing equality, diversity and inclusivity issues in course self-assessment and development plans;</p> <p>Addressing equality, diversity and inclusivity issues through staff appraisal and staff development; and</p> <p>Promoting the use of gender neutral language in documents and encourage tutors to foster an open and positive environment regarding gender identity. For example: using they/them rather than she/he during class discussion.</p>
<b>Academic Tutors and Support Staff</b>	<p>Having 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;</p> <p>Ensuring that curriculum materials do not exclude any individual or group of students, are inclusive and reflective of the diversity of the LMA community;</p>

	<p>Using teaching materials, content and methods, where possible, which take account of the diverse learning needs, styles and preferences of learners;</p> <p>Creating a learning environment which is inclusive and enables all learners to feel comfortable and is conducive to learners realising their potential;</p> <p>Providing guidance and referrals of learners to additional support services;</p> <p>Adopting marking policies and assessment methods which treat all learners impartially and do not discriminate against any individual or group of learners;</p> <p>Taking appropriate and immediate action in the event of incidents of harassment, victimisation or discrimination and if necessary alert or involve more senior staff; and</p> <p>Addressing any issues of stereotyped attitudes and prejudiced thinking in order to develop learner awareness of the basic concepts of equality, diversity and inclusivity.</p>
<b>Students</b>	<p>Having high expectations of LMA to tackle discrimination and promote equality, diversity and inclusivity and follow these expectations at all times;</p> <p>Treating all staff, students and visitors with respect at all times; and</p> <p>Reporting incidents of harassment, victimisation or discrimination to a member of staff.</p>
<b>Student Services</b>	<p>Providing informal advice in the first instance to any student prior to bringing any complaint or grievance.</p>
<b>The Estate Department</b>	<p>Primary responsibility for facilitating the accessibility of LMA's buildings.</p>

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/or staff contract, as appropriate.

### **LMA Profile**

LMA is a FE and HE education provider based in Liverpool City Centre and at Here East in the Olympic Park, East London. We have over 1000 students across all courses and specialise in all aspects of Media, Music and Performing Arts based courses delivering industry standard training to students aged 16 and above from a diverse range of backgrounds.

### **Prohibited Conduct**

The Act consolidates existing law into a single legal framework. This section describes the various types of conduct prohibited by the Act.

## Direct Discrimination

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

## 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, for example because they are a carer for a disabled relative.

## 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). For example if a job applicant is refused an interview because they have a name which the hirer thinks means they are from a certain racial background, regardless of whether that is true, that could be discrimination based on perception.

## 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.

### 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; and
- it cannot be shown that the provision, criteria or practice is justified as a '*proportionate means of achieving a legitimate aim*'.

For example, a provision, criterion or practice that employees must work every Saturday may be indirectly discriminatory towards employees from religious backgrounds which prohibit them from working on a Saturday.

### 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; or
- 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.

### **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; and
- the treatment cannot be justified by showing that it is "a proportionate means of achieving a legitimate aim".

### **Duty to make Reasonable Adjustments**

LMA has a duty under the Act to make reasonable adjustments where a provision, criteria or practice, a physical feature or the non-provision of an auxiliary aid puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison to a person who is not disabled. Acting quickly to identify and put in place reasonable adjustments for people with disability will often avoid discrimination arising from disability, and LMA is committed to doing so.

### **Knowledge of Disability**

If it can be shown that:

- it was not known that the person had the disability in question; or
- 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.

### **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.

## **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.

## **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.

## **Background and Summary of Work Already Undertaken**

LMA continually works proactively on all aspects of Equality, Diversity and Inclusivity by:

- Monitoring and reporting on race, disability, learning difficulty, gender and gender identity 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, diversity and inclusivity throughout the year
- Working in partnership with other local organisations

## **Reviewing and Publication**

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

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

## **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 a report to the LMA Board of Directors annually .

## 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 on the grounds of 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, diversity and inclusivity perspective to eliminate any discriminatory practice that may occur.

## Other relevant policies

Student Behaviour

Complaints Policy

## Accessibility

If you require this document in an alternative format please contact Hannah Talbot - Head of Student Services on [0151 909 9000] or [hannah.talbot@lma.ac.uk](mailto:hannah.talbot@lma.ac.uk) [

## Review of this Policy

This policy is reviewed annually by Principal London campus

If you have any comments or suggestions for this Policy, please direct them to the ePrincipal, London Campus,

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