

EQUALITY, DIVERSITY AND HUMAN RIGHTS CODE

1 Introduction

The University of the West of Scotland's (UWS) purpose is to change lives, transform communities and encourage enterprise through outstanding, distinctive and progressive higher education. This is embodied in "Our Truth" that "*We are an inclusive organisation that welcomes and values diversity*". At UWS we strive to create the structures, leadership and support to embed equality, diversity and human rights into everything we do.

UWS aims to be a provider of choice for students and business and believes that embedding equality, diversity and human rights in our organisation is integral to achieving this aim.

UWS is committed to advancing and promoting equality and diversity in all of its activities and aims to establish an inclusive culture free from discrimination and based upon the values of fairness, dignity and respect.

2 Legal Framework

The University is committed to meeting the obligations and duties set out for public bodies in the [Equality Act 2010](#), the [Human Rights Act 1998](#) and related legislation.

The Equality Act 2010 sets out the personal characteristics that are protected by the law and the behaviour that is unlawful. These "protected characteristics" are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

Under the Act, people are not allowed to discriminate, harass or victimise others because they have any of the protected characteristics. There is also protection against discrimination where someone is perceived to have one of the protected characteristics or where they are associated with someone who has a protected characteristic.

For further information on the legislative context and definitions of key terms under the Equality Act 2010, please see Appendix 1.

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. These basic rights are based on shared values like dignity, fairness, equality, respect and independence. In the UK, our human rights are protected by the Human Rights Act 1998 (EHRC, 2020).

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to and incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. All public authorities must comply with the Human Rights Act 1998, further detail of which is set out in Appendix 1.

3 Scope

This procedure applies to all members of the UWS community, including:

- Individuals applying to work or study at the University;
- Our staff, including those with full-time, part time and sessional contracts, Honorary and affiliate staff, visiting members of staff and those on placement or secondment from other institutions or organisations;
- Our students, including exchange and placement students;
- Individuals working or acting on the University's behalf, including suppliers of goods and services, contractors and volunteers.

4 Key Principles

- UWS is committed to creating a culture free from discrimination, where equality is promoted, diversity is celebrated and human rights are respected.
- Individuals will be treated with dignity, fairness and respect, regardless of background or personal characteristics.
- We will create an inclusive and diverse environment and seek to remove barriers to enable members of the University community to reach their full potential.
- Equality considerations will be embedded throughout both policy and practice at UWS, including within the Outcome Agreement process with the Scottish Funding Council.
- UWS will challenge unacceptable actions and behaviours such as harassment, bullying or victimisation of people based on their personal characteristics, eliminate all forms of unlawful discrimination and deal with any discrimination consistently and effectively.

5 Responsibilities

- All members of the University community have a responsibility to uphold the principles set down in this Code.
- The University Court has ultimate responsibility for ensuring that UWS fulfils its legal obligations in relation to equality, diversity and human rights.
- The Principal and Vice-Chancellor, supported by those in leadership roles across the University, is responsible for ensuring that this Code and the Equality Outcomes 2017-2021 are implemented.
- The Equality, Diversity and Inclusion Consultant also has specific responsibilities for supporting and guiding the implementation of this Code (and the Equality Outcomes 2017-2021).
- The Equality, Diversity and Inclusivity Committee is responsible for coordinating and supporting the University's work under this Code.

6 Implementing the Code

UWS will ensure that:

- This Code is communicated to staff, students and visitors and that training is made available to help individuals understand their responsibilities in relation to equality, diversity and human rights.
- Individuals working or acting on behalf of the University are made aware of their responsibilities under this Code.
- Our communications materials reflect the diverse community of the University and help to promote equality of opportunity.
- Accessibility is a key consideration in learning and teaching - we strive to provide inclusive content and delivery to ensure an accessible and fair teaching environment.
- We actively promote a learning and teaching environment that is both inclusive and diverse - we will create spaces and resources for a dialogue among all members of our UWS community to learn about all cultures and knowledge systems in the curriculum, as well as teaching pedagogies and how this frames the world.
- We proactively consider the accessibility of our campuses and make reasonable adjustments, as appropriate, to enable staff and students with disabilities to overcome any barriers in their learning or working environment.
- Diversity is celebrated within the UWS community by supporting a range of events and activities each year for both staff and students.

- Equality Impact Assessments are conducted to assess the implications of decisions on the UWS community and to help prevent and tackle inequality, advance equality and foster good relations.
- Any allegations of discrimination, victimisation or harassment are thoroughly investigated and action is taken as appropriate.
- We strive to achieve best practice and to lead the way on equality, diversity and human rights. The University has been awarded the Disability Confident Employer accreditation (Level 2), Athena Swan (Bronze) Accreditation and are also Stonewall Diversity Champions and we will seek to maintain and build on these accreditations.

7 Further Information and Advice

- The Equality, Diversity and Inclusion Consultant can provide additional information and advice to staff and students on equality and diversity matters, including the application of this Code. In addition, further information on internal support such as UWS Staff Networks and external support organisations can be found on the Equality and Diversity [web page](#) of the UWS website.
- UWS has a duty to make reasonable adjustments for staff or students placed at a substantial disadvantage because of a disability compared with non-disabled people or people with a different disability. Substantial means more than minor or trivial.
- Reasonable adjustments are changes to the work or study environment that allow people with a disability to work or study safely and productively. Under the Equality Act 2010, 'disability' includes a physical or a mental condition which has a substantial and long-term impact on ability to do normal day to day activities.
- Student requiring consideration of reasonable adjustments to access a course of study should contact UWS Disability Services at disabilityservice@uws.ac.uk
- Staff requiring consideration of reasonable adjustments to the work environment should contact their line manager, who can liaise as appropriate with the HR Operations and/ or Occupational Health teams in People and OD.
- Visitors to UWS, or interviewees, requiring reasonable adjustments should make their needs known at point of contact.
- British Sign Language (BSL) users can contact us directly by using [contact SCOTLAND-BSL](#) Telephone: [+44 \(0\)141 848 3000](tel:+441418483000)

8 Concerns and Complaints

- Staff or students who perceive they have been treated unfairly in respect of a protected characteristic are encouraged to seek local resolution at an early stage.
- Staff should normally speak to their line manager in the first instance. Alternatively, advice can be sought from the People and Organisational Development Department, Equality Diversity and Inclusion Consultant or relevant Trade Union.
- Students should normally speak to their Personal Tutor in the first instance. Alternatively, advice can be sought from the Students' Union, Student Services, the Disability Service or Equality Diversity and Inclusion Consultant.
- If a local resolution cannot be achieved, members of staff may wish to raise a grievance - further information is set out in the University's Grievance Resolution Procedure which is available on the UWS website.
- Students can formally raise concerns through the University's Complaints Process - a Complaints Form and supporting guidance is available on the UWS [website](#).
- Visitors and members of the public who have a concern or complaint are encouraged to raise it with the School, Professional Services Department or Partner Institution in which the issue arose.
- If a local resolution cannot be achieved, visitors and members of the public can submit a complaint to Registry - a Complaints Form and [supporting guidance](#) is available on the UWS [website](#)
- British Sign Language (BSL) users can contact us directly by using [contact SCOTLAND-BSL Telephone: +44 \(0\)141 848 3000](#)

9 Support for Complainants

- Everyone has the right to equal access to our complaints procedure. It is important to recognise the barriers that some people may face complaining, which may be physical, sensory, communication or language barriers but can also include their anxieties and concerns. Complainants may need support to overcome these barriers.
- We have legal duties to ensure our complaints service is accessible under equalities and mental health legislation. We will therefore be proactive in checking whether complainants require additional support to access our service.

- In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:
 - helping vulnerable people identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups).
 - helping complainants access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen’s Advice Scotland); and
 - providing a neutral point of contact for complaints (where the relationship between complainants and frontline staff is significant and ongoing).

10 Monitoring and Review

- The Equality, Diversity and Inclusion Committee monitors the implementation and review of this Code.
- UWS gathers statistical information relevant to equality and diversity in relation to staff and student processes, including:
 - Staff - recruitment and selection, access to promotion, training, grievances and discipline
 - Students – admissions, retention, progression, degree classification, complaints, appeals, discipline and surveys
- Information collected and stored is analysed for monitoring purposes and reported within the University’s equality monitoring annual reports.
- This procedure will be reviewed annually and in the event of changes to legislation.

The opportunity to engage in delivering equality, diversity, inclusion and human rights should not be limited to the above Code: it is the responsibility of everyone at UWS to ensure that we are an inclusive organisation as stated by our truth “we are an inclusive organisation that welcomes and values diversity”.

Procedure Author – Equality, diversity and Inclusion Consultant	Procedure Owner – Executive Director of People and Organisational Development
Parent Policy Statement - People and OD Policy Statement	Public Access or Staff Only Access – Public Access
Version 1 – April 2021	Changes and Reason for Changes – New Code

Appendix 1:
Legal Context and Definitions

1. The Equality Act 2010

The Equality Act came into force in October 2010. Sections of the Act apply to the provision of goods, facilities and services, premises, employment and education.

1.1 Protected Characteristics and Discrimination

The Equality Act outlines nine grounds upon which discrimination is unlawful. These are known as ‘protected characteristics’ and are outlined below alongside the different types of discrimination.

Protected Characteristics	Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
Direct Discrimination	Someone is treated less favourably than another person because of a protected characteristic (PC).
Associative Discrimination	Direct discrimination against someone because they associate with another person who possesses a PC.
Discrimination by perception	Direct discrimination against someone because others think they possess a particular PC, whether this perception is correct or not.
Indirect discrimination	A provision, criterion or practice is applied to everyone but disadvantages individuals with a particular PC.
Harassment	Unwanted behaviour which relates to a PC or is of a sexual nature. The behaviour must have the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
Victimisation	Someone is subjected to a detriment (i.e. a disadvantage, damage, harm or loss) because they have made/supported a complaint or grievance under the Equality Act.

1.2 Public Sector Equality Duty

UWS is a public body and as such is subject to, and must be compliant with, the Public Sector Equality Duty. This is defined as the general duty which is supported by specific duties.

The general duty requires the University to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The specific duties require the University to:

- Report progress on mainstreaming the equality duty every 2 years
- Publish equality outcomes, and report progress every 2 years
- Assess and review policies and practices against the needs of the general duty
- Gather and use employee information to better perform the equality duty
- Publish gender pay gap information and report progress every 2 years
- Publish statements on equal pay and occupational segregation and every 4 years
- Consider award criteria and conditions in relation to procurement
- Publish information in a manner which is accessible to the public

2. The Human Rights Act 1998

2.1 The Human Rights Act came into force in 2000, and incorporates the rights and freedoms of the European Convention on Human Rights into UK law. Particularly relevant to the Higher Education context are the rights to:

- Freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas
- Freedom of thought, conscience and religion, including the freedom to manifest religion or belief
- Freedom of peaceful assembly and freedom of association
- The right to education
- The prohibition of discrimination in pursuing the rights and freedoms of the Act

2.2 The freedoms set out above are not absolute rights, but are qualified, in that they may be interfered with if there is a threat to public order or safety, health

or morals, or the rights and freedoms of others. Any interference must be lawful and proportionate

3. The Further and Higher Education (Scotland) Act 2005

3.1 Section 26 of this Act provides that institutions must have regard to the desirability of ensuring academic freedom for those who are teaching, providing learning, or engaged in research. The exercise of such freedom must not adversely affect the person's appointment or any entitlements or privileges.

3.2 In this context, academic freedom includes freedom, within the law, to hold and express ideas, to question and test established ideas and received wisdom, and to present controversial or unpopular points of view

4. The Mental Health (Care and Treatment) (Scotland) Act 2003

4.1 This gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy, which must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

Further information on relevant legislation

[Equality Act 2010](#)

[Human Rights Act 1998](#)

[The Further and Higher Education \(Scotland\) Act 2005](#)

[The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#)