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## Equal Opportunities & Diversity Policy

### Mandatory User Notes

The requirements in this document are mandatory. A controlled copy of the current version of this document is located in Staff Essentials:

Before using or referencing this document, it is the User's responsibility to ensure that the hard or electronic copy in his/her possession is current. The Document Owner should be contacted for assistance and any feedback.

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# EQUAL OPPORTUNITY & DIVERSITY POLICY

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## **EQUAL OPPORTUNITIES & DIVERSITY** **POLICY**

### **1. Purpose**

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The purpose of this document is to set out in a clear manner the company policy on Equal Opportunities and Diversity.

The Company must build and maintain a good system of regulation and apply all legislative requirements in order to ensure that we operate effectively and efficiently. The development and maintenance of these corporate qualities are enhanced by the establishment of good working practises and personnel administration. The fair and impartial treatment of all employees, learners and customers and the absence of discriminatory, harassing or bullying behaviour is essential to good regulation and administration.

The principles of equal opportunity & diversity to be applied in The Company are:

- a. That all employees are treated equally and none are discriminated against
- b. Welcoming people from a variety of backgrounds and reflects this attitude in its hiring policies and work-based culture
- c. To provide an inclusive environment for staff and learners with equality of opportunity and where diversity is respected

The aim of this directive is to clearly establish the company policy on equal opportunities and diversity. To explain and allocate individual responsibilities, issue guidance to individuals and state how we are to implement all pertaining legislation and directives within the Company.

### **2. Scope**

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This document applies to all operations and employees of PTS & NCLP

### **3. Relationship with other policies**

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This EOD policy should be read in conjunction with other policies and procedures covering, bullying and harassment policy, Safeguarding and Vulnerable Groups and including policies on chaperoning, lone working, business continuity and crisis response, disciplinary procedures, grievance policy, confidentiality, whistle blowing, professional boundaries and recruitment of ex-offenders.

Line managers, human resources and occupational health must ensure that personal data, including information about EOD matters, is handled in accordance with the organisation's data protection policy/GDPR and child protection protocol.

### **4. Definitions**

For the purpose of this document the term "The Company" refers to the Prospect Training Services (Gloucester) Ltd group of companies & NCLP

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For the purposes of this document the term “young people” or “young person” refers to anyone who is under the age of 18. We also refer to these as “our learners”

We also work with adults either as clients of our services or as members of family units. Some of these adults may from time to time also be subject to actions or behaviour by others either in the family or the community that can cause them harm of some kind. For the purpose of this document these individuals are defined as “vulnerable adults”.

Please refer to Annexe C for useful definitions.

### 5. **Policy Statement**

We are committed to the continuing development and use of employment and cultural practices ensuring within the framework of the law that our workplaces are free from unlawful or unfair discrimination through Protected Characteristics as defined by the Equality Act 2010. The protected characteristics cover age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

We ensure that people are not treated less fairly because of carer responsibilities, spent convictions or other conditions not justified in law or relevant to the provision of service or performance of training/a job.

Our purpose is to provide genuine equality of opportunity for all, wherever possible, and to maintain the dignity at work of all individuals.

Employees must not allow discrimination to affect their judgement, language or behaviour. The foundation of good leadership and management is to promote tolerance and mutual respect. Directors, line Managers and operational staff must ensure, by their personal example, that the spirit as well as the letter of Company policy is embraced and upheld.

We will monitor the implementation and progress of this policy which will include

### 6. **The Law**

The Company is subject to all legislation on equal opportunities & diversity and has a direct liability to abide by legislation and an obligation to ensure that all employees and learners abide by the law. In addition, we seek to follow the Codes of Practice issued by Disability Rights Commission (DRC), Commission for Racial Equality (CRE) and the Equality & Human Rights Commission (EHRC).

All employees will be informed, through notices and training, of the requirements of relevant equal opportunities & diversity legislation and that they may be held personally liable in law for any contravention of this legislation. Learners will receive training on equal opportunities & diversity as part of their induction programme.

The Company’s responsibilities regarding discrimination are set out in a number of Acts of parliament and regulations. A summary of relevant legislation can be found [Annex B](#). However, the Equality Act 2010 may supersede some of these.

Where an act or acts of discrimination occur prior to October 1<sup>st</sup> 2010, previous laws will apply and relevant guidance should be referred to. Where an act or acts of discrimination started before 1<sup>st</sup> October 2010 but continue afterwards or occur on or after 1<sup>st</sup> October 2010 the Equality Act 2010 will apply and relevant guidance should be referred to. There are limited justified exemptions permitted in law which apply equally to staff and learners.

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## 7. Individual Responsibility

The Company's policy on equal opportunities & diversity is clear: discrimination, direct or indirect, and harassment or victimisation is unacceptable and will not be tolerated. All personnel are obliged to respect, and to act in accordance with, this policy. **Failure to do so will be dealt with in an appropriate manner, which may involve formal disciplinary action.**

It is recognised that discrimination is not always intentional or overt. All employees and learners should be sensitive to the dangers of allowing preconceptions or stereotypes about the capabilities, characteristics and interests of particular groups to influence the treatment of individuals. Such preconceptions may result in discrimination. It is no defence, however, that the discrimination was unintentional or even thought to be in the person's best interest.

The Company expects that every employee adheres to the published Equal Opportunity & Diversity Policy. Individual behaviour that offends or causes embarrassment should never be condoned, supported or ignored. To do so makes that individual equally guilty in the eyes of the law and the Company.

## 8. Grievance Procedure

Every employee and learner has the right to submit a formal complaint if he/she believes that a grievance exists. Guidelines on the complaints procedure are given at [Annex D \(Staff\)](#) and [Annexe E \(Learner\)](#) and also reference can be made to our company Grievance procedure (refer to Grievance Policy on the Prospect & NCLP Cloud).

Any employee or learner who becomes aware of any breach of the Company's equal opportunities & diversity policy has a duty to report that breach through appropriate channels and if warranted, through the formal internal redress procedure. See Annex D.

**Summary of Grievance Procedure.** Company policy is that where possible, all equal opportunity complaints should be resolved between individuals. Where this involves two learners a staff member should act as witness. If this is not possible then the complaint should be passed to the Programme/Line Manager for arbitration. Once again, the complaint should be dealt with "in house" before resorting to formal action. A complaint involving a learner and staff member/tutor should be dealt with in the presence of the Equal Opportunities Advisor or nominated representative. In all cases, a record of the incident together with the outcome is to be maintained by the Equal Opportunities Advisor (EOA). Where formal complaints are submitted in writing they are to be responded too in writing. Records are to be made available if a complaint reaches the EHRC.

## 9. Implementation, monitoring and training

The main mechanisms used in the implementation and monitoring of this policy will be through:

- a. The establishment of a Company Equal Opportunities Advisor.
- b. The dissemination of all relevant updates in the form of training or bulletins through email or displayed on the Equal Opportunities boards within centres.
- c. Regular exchange of information between employees through staff meetings.
- d. Established briefings for the Learners on induction and throughout their training.
- e. The application of the policy and procedures to deal with cases efficiently and effectively.

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- f. The collection of all data on incidents and on efficient reporting system, which respects anonymity and individual rights.
- g. The monitoring of data for staff and learners relating to different groups including sex, race, disability and age.

In order to ensure all staff are aware of their individual and corporate responsibilities regarding Equal Opportunities & Diversity, education in this matter will be conducted through staff core training sessions. It is essential that everyone in the centre be briefed on the policy and updated on new legislation. The Equal Opportunities Advisor will ensure that relevant literature is made available throughout the Centres.

### **Annexes:**

- A. Terms of Reference for Equal Opportunities Advisors
- B. Summary of Relevant Legislation
- C. Useful Definitions
- D. Guidelines for Redress of Complaints
- E. General Information

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**1. TERMS OF REFERENCE FOR EQUAL OPPORTUNITIES ADVISORS**

- 1.1 Responsibility for implementation of The Company's Equal Opportunity & Diversity policy rests directly with the Managing Director.
- 1.2 The role of the Equal Opportunities Advisor is to act as a source of information and advice to the staff and learners
  - a. Incorporating Equal Opportunities and Diversity principles into all staffing and training initiatives.
  - b. Staffing Equal Opportunities & Diversity Policy Directives.
  - c. Developing Equal Opportunities & Diversity training.
  - d. Developing information & Equal Opportunities initiatives.
  - e. Publicising Equal Opportunities & Diversity policies.

**2. SELECTION OF ADVISORS**

Equal Opportunities Advisor will be selected for their communication and analytical skills. It will be an individual responsibility to ensure that the Centre Equal Opportunities Advisor keeps up to date with current legislation and conducts regular training sessions with the Centre Staff as part of staff training and development. Equal Opportunities representatives are also present in every centre.

**3. TRAINING**

- 3.1 The Equal Opportunities Advisor will ensure the Company complies and keeps up to date with the legislative requirements of National and European Equal Opportunities & Diversity legislation ensuring that all updates are available within the Centres.
- 3.2 Staff training will be co-ordinated by the Quality Manager as part of the staff development programme.
- 3.3 Learners will be instructed in the Equal Opportunities & Diversity as part of their induction package and throughout their programmes.

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**ANNEX B**

**1. SUMMARY OF RELEVANT LEGISLATION**

The Equality and Human Right Commission are the all-embracing body for equality and human rights in the UK that replaced the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission in October 2007.

They have a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the "protected" grounds - age, disability, sex (gender), race, religion and belief, sexual orientation, gender reassignment, pregnancy and maternity or marriage/civil partnership.

The Equality Act 2010 replaced the existing anti-discrimination laws with a much easier and consistent single act and the changes we adhere to as a company, have been identified within the legislation below.

The act also makes explicit the concept of 'dual discrimination', where someone may be discriminated against or treated unfairly on the basis of a combination of two of the protected characteristics.

Most characteristics from the Equality Act 2010 are already covered in existing legislation however discrimination by association and discrimination by perception is now extended to cover age, disability, race, sex, religion and belief, sexual orientation and gender reassignment.

**1.1 Equal Pay Act 1970.**

This Act forbids any distinction in the terms and conditions of men and women as regards pay, allowances and leave, except to the extent that any such distinction is fairly attributable to the differences in the obligations undertaken by men and women.

The equality Act makes it unlawful to prevent or restrict employees from having a discussion to establish if differences in pay exists. However, an employer can require their employees to keep pay rates confidential from people outside the workplace.

**1.2 Sex Discrimination Act 1975, Sex Discrimination (Northern Ireland Order 1976), Employment Equality (Sex Discrimination) Regulations 2005.**

The above Acts and Regulations are written in terms of discrimination against women; however, men have the same rights. All have a direct effect on employment decisions in relation to equality of opportunity for men and women.

- a. Sex discrimination is unlawful in employment and vocational training, education, the provision of goods, facilities and services to members of the public and the management and disposal of premises.
- b. The Act also includes applying requirements, conditions or practices which though applied equally to all, have a disproportionate effect on one sex which cannot be shown to be justifiable/job related.
- c. There are limited exceptions as the Act permits employers under certain conditions, to train employees of one sex in order to fit them for particular work in which their sex has recently been underrepresented; they may also encourage the under-represented sex to take up opportunities to do that work.
- d. There are specific exceptions covering situations where there is a genuine need for an employee to be one sex or the other, a "Genuine Occupational Qualification" for example, to preserve privacy or decency, or where the job is likely to involve work where the customs or laws mean that the duties could not effectively be done by a woman.
- e. The Equal Opportunities Commission (EOC) was established by the 1975 Act with powers of investigation and action and the right to support individual cases. The EOC (N Ireland) was established in 1976. The Act now establishes Equality & Human Rights Commission (EHRC) to help enforce the legislation and to promote equality of opportunity, provide general advice to both the Government and the Public and has discretion to help individuals bring complaints of

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discrimination. The EHRC also has powers to conduct formal investigations for any purpose connected with the Commission's duties

### 1.2 **Race Relations Act 1976, Race Relations (Amendment) Act 2000 Race Relations Act 1976 (Amendment) Regulations 2003.**

The Act, and its subsequent amendments, are written in similar terms to those of the Sex Discrimination Act and use the same definitions of discrimination.

- a. Race discrimination covers discrimination in the four areas of direct, indirect, harassment and victimisation and makes it unlawful in employment, vocational training, education, provision of goods, facilities and services to the public, and in the disposal and management of premises. A person discriminates against another on racial grounds if he treats that other less favourably than he treats or would treat other persons. Racial grounds includes colour, nationality and ethnic or national origins.
- b. Indirect discrimination can fall into one of two categories depending on the racial grounds of discrimination. The first is on grounds of colour or nationality, under the original definition in the Race Relations Act. The second is on the grounds of race, ethnic or national origin. This was introduced by the Race Relations Act (Amendment) Regulations 2003 to comply with the EC Race Directive.
- c. A job may be restricted to people of a particular race or ethnic or national origin, if one of these characteristics is a genuine occupational requirement. A genuine occupational requirement or qualification may apply in limited circumstances for reasons of authenticity e.g. a theatre company may need black actors to depict certain scenes.
- d. The Act establishes Equality & Human Rights Commission (EHRC) to help enforce the legislation and to promote equality of opportunity and good relations between persons of different racial groups. The EHRC has a duty to work towards the elimination of racial discrimination, provide general advice to both the Government and the Public and has discretion to help individuals bring complaints of discrimination. The EHRC also has powers to conduct formal investigations for any purpose connected with the Commission's duties.

### 1.3 **Disability Discrimination Act (DDA) 1995, 2005, Employment Provision (Part II) Access to Facilities and Services (Part III) 1996, Special Needs and Disability Act 2001 DDA (Part IV).**

The Acts, and their subsequent amendments aim to protect disabled people and prevent disability discrimination and provides legal rights for disabled people in areas of

- employment
- education
- access to goods, services and facilities including larger private clubs and land based transport services
- buying and renting land or property
- functions of public bodies

Under the DDA Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Only those people defined as disabled in accordance with Section 1 of the Act and the associated schedules and Regulations are entitled to the protection that the Act provides. The Act puts a duty on an employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment.

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The Equality Act 2010 has made it easier for a person to show that they are disabled and protected from disability discrimination as well as making it unlawful for employers to ask applicants about their health or disability before offering them work. However employers can ask about health or impairments where they need to make reasonable adjustments for an applicant to attend an interview.

The Act includes a new protection from discrimination arising from disability and states that it is discrimination to treat a disabled person unfavourably because of something connected to their disability.

### 1.4 **Sex Discrimination (Gender Reassignment) Regulations 1999, Gender Recognition Act 2004, The Equality Act 2006, Sex Discrimination (Amendment of Legislation) Regulations 2008 & The Equality Act 2010**

**The Sex Discrimination (Gender Reassignment) Regulations 1999** extended the Sex Discrimination Act to make it unlawful to discriminate on the grounds of gender reassignment but only in the areas of employment and vocational training. These regulations did not apply to discrimination in education or in the provision of housing, goods, facilities and services.

**Gender recognition Act 2004** gave legal recognition to transsexual people in their acquired gender.

**The Equality Act 2006** introduced the Gender Equality Duty, which places an obligation on public bodies to pay due regard to the need to address and eliminate the unlawful discrimination and harassment of transsexual people in employment, related fields and vocational training (including further and higher education) and in the provision of goods facilities and services

**The Sex Discrimination (Amendment of Legislation) Regulations 2008** extended the Sex Discrimination Act to make it unlawful to discriminate on grounds of gender reassignment in the provision of goods, facilities and services as well as in employment and vocational training. Technically the regulations only applied to those undergoing or are planning to undergo gender reassignment.

**The Equality Act 2010** no longer requires a person to be under medical supervision to be protected. The Act states people who have undergone, are undergoing or are planning to undergo gender reassignment are covered by indirect discrimination and/or direct discrimination and should not be treated less favourably for being absent from work because of this.

### 1.5 **Employment Equality (Sexual Orientation) Regulations 2003**

From December 2003, when Employment Equality (Sexual Orientation) Regulations came into force, it became unlawful to discriminate against workers because of sexual orientation. This act was introduced to combat discrimination, harassment and victimisation on the grounds of sexual orientation and covers people whether they are gay, lesbian, bisexual or heterosexual including providers of vocational training.

### 1.6 **Employment Equality (Religion or Belief) Regulations 2003**

These regulations came into force December 2003, when the Employment Equality (Religion or Belief) Regulations made it unlawful to discriminate against workers because of religion or similar belief which also included a lack of religion.

A religion is defined as having a clear structure and belief system and belief defined as any religious or philosophical belief or lack of belief that must satisfy various criteria.

This act was introduced to combat discrimination, harassment and victimisation in employment and vocational training on the grounds of religion or belief.

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## 1.7 **The Employment Equality (Age) Regulations 2006**

These regulations came into force in October 2006 and applied to all employers, private and public sector vocational training, trade unions, professional organisations, employer organisations and trustees and managers of occupational pension schemes. In this context an employer is anyone who has employees or who enters into a contract with a person for them to do work. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training. This Act protects people of all ages. However, different treatment because of age is not direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination. The Act continues to allow employers to have a default retirement age of 65 until April 2011 when new guidance will be available.

## 1.8 **The Human Rights Act 1998**

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law. All public bodies (such as courts, police, local governments, hospitals, publicly funded schools, and others) and other bodies carrying out public functions have to comply with the Convention rights. This means, among other things, that individuals can take human rights cases in domestic courts; they no longer have to go to Strasbourg to argue their case in the European Court of Human Rights. The Act sets out the fundamental rights and freedoms that individuals in the UK have access to.

They include:

[Right to life](#)

[Freedom from torture and inhuman or degrading treatment](#)

[Right to liberty and security](#)

[Freedom from slavery and forced labour](#)

[Right to a fair trial](#)

[No punishment without law](#)

[Respect for your private and family life, home and correspondence](#)

[Freedom of thought, belief and religion](#)

[Freedom of expression](#)

[Freedom of assembly and association](#)

[Right to marry and start a family](#)

[Protection from discrimination in respect of these these rights and freedoms](#)

[Right to peaceful enjoyment of your property](#)

[Right to education](#)

[Right to participate in free elections](#)

## 2.0 **Pregnancy and Maternity**

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A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination **cannot** be treated as sex discrimination.

### 2.1 Marriage and Civil Partnership

The Equality Act 2010 protects employees who are married or in a civil partnership against discrimination.

The Marriage Equality Act March 2014 that mainly extends to England and Wales enables religious organisations that wish to, to opt into conducting marriage ceremonies for same sex couples. It also enables civil partners to convert their civil partnership into a marriage if they wish and allows individuals to change their legal gender without having to end their marriage.

Single people are not protected under this characteristic.

### 2.2 Rehabilitation of Offenders Act 1974.

Under the Rehabilitation of Offenders Act 1974 many ex-offenders are given certain employment rights if their convictions become 'spent'. Broadly speaking, anyone who has been convicted of a criminal offence and who is not convicted of a further offence during a specified period (the 'rehabilitation period') becomes a 'rehabilitated person'. This means that they do not have to be disclosed when applying for a job or for training. The type of conviction which may become spent and the time limits do vary both in terms of the offence and the sentence given to the offender. A conviction resulting in a prison sentence of more than 30 months can never become spent however there are some exceptions to the Act.

### 2.3 Health and Safety at Work Legislation.

Refer to Health and Safety Policy on Prospect Cloud

### 2.4 Safeguarding Vulnerable Groups Legislation

Refer to Safeguarding Vulnerable Groups Policy on Prospect Cloud

### 2.5 Prevent Legislation

Refer to Prevent Policy on Prospect Cloud

## Notes

1. Discrimination law is generally based on a comparison of the treatment of one person with that of a comparable person of the other. It also includes the concepts of direct and indirect discrimination.
2. Whether the treatment of a person is discriminatory is judged from that person's standpoint. Good intention or motive is no defence against a charge of discrimination.
3. The onus is on the employer to show that any discriminatory actions are within a specific exception or in the case of indirect discrimination are objectively justified. It is not sufficient to argue that the employer thought the reasons were adequate; it must be demonstrated that they were.

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4. The employer should be able to demonstrate that any legal discriminatory practices are kept under review.

### **ANNEX C** **USEFUL DEFINITIONS**

*Examples of useful definitions include but are not limited to:*

#### **Protected Characteristics**

There are nine protected characteristics within the Equality Act 2010. They are:

1. **Age**

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages young or old (e.g. 18 - 30 year old, over 65)

2. **Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

3. **Gender reassignment**

The process of transitioning from one gender to another. Transsexual, transgender or men and women with transsexual history.

4. **Marriage and civil partnership**

In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same sex couples. This will also be true in Scotland when the relevant legislation is brought into force.

Same sex couples can also have their relationship legally recognised as a 'civil partnership' civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

5. **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

6. **Race**

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, nationality, ethnic background, origin or heritage.

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**7. Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**8. Sex**

The word sex is used to describe biological characteristics of a man or a woman.

**9. Sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. Gay and lesbian, bisexual and heterosexual/straight people.

**Gender**

Gender is used to describe socially constructed ways of being men and women, e.g. Differences in activities, expectations, and behaviour.

**Discrimination by Association**

This is direct discrimination against someone because they associate with another person who possesses one of the protected characteristics (types) of discrimination which are: age, disability, gender, reassignment, race, religion and belief, sexual orientation, sex, maternity and pregnancy.

**Discrimination by Perception**

This is direct discrimination against an individual because others think they possess one of the protected characteristics listed in the paragraph above (associative discrimination).

**Age discrimination**

The equality act of 2010 protects people of all ages. However, different treatment because of age is not discrimination if it can be justified; this means employers must demonstrate that it is a proportionate means of meeting a legitimate aim. The Act continues to allow employers phased out from April 2011 when new guidance will be available

**Discrimination**

Discrimination means to single out a particular individual or group for special favour or disfavour. The following terms are used to describe the context and manner of particular types of discrimination:

**Direct Discrimination**

Occurs when someone is treated unfairly, or less favourably than another because they have protected characteristic. Direct discrimination has been harmonised across the protected characteristics and now also covers association or perception of all characteristics.

**Indirect Discrimination**

Indirect discrimination occurs where the effect of certain requirements, conditions or practices imposed by an employer or education provider has an adverse impact disproportionately on one group or other covered by the protected characteristics. Indirect discrimination generally occurs when a rule or condition, which is

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applied equally to everyone, can be met by a considerably smaller proportion of people from a particular group, the rule is to their disadvantage, and it cannot be justified on other grounds. This Act is now harmonized across all of the protected characteristics.

### **Positive Discrimination or Affirmation Action**

Positive discrimination or affirmative action, are both unlawful in Britain. This is when an employer will try to treat someone more favourably to change the balance of the workforce by selecting someone mainly because she or he is from a particular group.

### **Positive Action**

Employers are allowed by law to take positive action to help redress any imbalances that may have arisen as a result of past discrimination or disadvantage. The aim of positive action is to ensure that people from previously excluded groups have the opportunity to compete on equal terms with other applicants. This is not to be confused with Positive Discrimination which is unlawful.

### **Victimisation**

Occurs when a person experiences disadvantage because they have supported someone in making a complaint or an allegation of discrimination, or because they personally have made an allegation of discrimination. There is no need for a person to show they have been treated less favourably they only need to show they have been treated badly.

### **Segregation**

Segregation is separating someone from others because of their gender, ethnicity, age, sexual orientation, disability, belief or religion. For example, women might be given restricted access to careers advice, work-experience placements and training opportunities for certain jobs, which are seen as being traditionally male. It is against the law to segregate individuals as this is a manifestation of discrimination.

### **Prejudice**

An attitude, opinion or feeling based on pre-judgment or stereo typing, without adequate knowledge, thought or reason.

### **Ethnic group/ethnicity**

Ethnicity is a quality or affiliation resulting from racial or cultural ties.

An ethnic group is a group of people whose members identify with each other, through a common heritage that is real or assumed- sharing cultural. This shared heritage may be based upon putative common ancestry, history, kinship, religion, language and/or shared territory.

### **Equality of Opportunity**

Equality of opportunity means that all individuals have equal access to, and treatment in, employment, training and promotion based on their ability, performance and aptitude for work.

### **Diversity**

Understanding everyone is individual and unique and recognise people's differences.

### **Genuine Occupational Qualification/Requirement**

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## Equal Opportunities & Diversity Policy

In very limited circumstances, an employer can claim that a certain gender and/or religion or belief is necessary for a role. In other words, the gender, religion or belief is considered to be a genuine occupational requirement.

### **Racism**

Is the prejudice that members of one race are intrinsically superior to members of other races

### **Stereotyping**

Stereotyping means using incorrect or commonly held preconceptions about the social characteristics or behaviour of groups to pre-judge or categorise individuals assumed to belong to the groups.

### **Vicarious responsibility/Vicarious liability**

As an employer, The Company has an automatic responsibility for any discrimination by both training and administrative staff and learners whilst working in the Centre. This is the case even if the Programme manager or members of the staff were unaware of the discrimination taking place. In law this is known as vicarious liability. It is therefore the responsibility of all staff and learners to take all reasonable, practicable steps to prevent discrimination. It is also a defence if The Company can provide evidence that all reasonably practicable steps were taken to prevent any employee or learner carrying out the discriminatory act.

### **Harassment for (further information please refer to Harassment and Bulling Policy)**

Harassment is often either racial or sexual in nature but it must be noted that any type of harassment is unlawful. Harassing behaviour cannot be excused on the grounds that no one has opposed it or complained. Any actions, which create feelings of offence, unease or distress, can be classed as harassment. Harassment can be in many forms e.g. Jokes, inappropriate use of language, graffiti, literature, posters, gestures and physical actions.

Note that harassment is conduct that is unwanted by the recipient; what unwanted conduct is essentially down to the recipient to determine. Harassment with intention to cause anxiety or distress is a criminal offence.

Harassment is related to protected characteristics except pregnancy and maternity or marriage and civil partnerships.

This Act changes the definition of harassment from unwanted conduct 'on the grounds of' to unwanted conduct 'related to'. This protects people who are offended by conduct even if it is not specifically directed at them. The definition also protects in relation to association or perception.

### **Bullying (further information please refer to Harassment and Bulling Policy)**

Bullying is offensive treatment through vindictive, cruel, malicious or humiliating attempts to undermine an individual or a group. It can take the form of both physical and mental intimidation. Bullies often abuse their power or position to mount persistently negative attacks on an individual's personal and professional performance. Bullying produces a threatening or intimidating environment in which an individual feels fearful and stressed. Initiation ceremonies involving assault, humiliation, intimidation or the abuse of alcohol are all forms of bullying.

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**MALICIOUS OR VEXATIOUS ALLEGATIONS**

Any individual who knowingly makes malicious or vexatious allegations may be in breach of The Company's policy on Equal Opportunities be guilty of a disciplinary offence.

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**ANNEX D**  
**Guidelines for Redress of Complaints of Equal Opportunities Nature**  
**Involving a Member of Staff and/or Learner**

A member of **Staff or Learner** has what they believe to be a legitimate Equal Opportunities complaint.

The complainant must be encouraged to attempt to solve the problem by a direct approach in person or writing (it is recommended there is a witness and a record kept)

If the informal direct approach fails the complainant should ask for an interview with the Programme/Line Manager who will attempt to solve the situation.  
*\*please see time scale at bottom of page*

If an informal interview with the Programme/Line Manager fails to achieve a satisfactory result, the complainant should inform the Manager he/she wishes to make a formal complaint.

If the informal direct approach fails and the complainant wishes to make a **formal complaint straight away** he/she should ask for an interview with the Programme/Line Manager to inform them that he/she wishes to make a formal complaint.

The Programme/Line Manager will inform the Equal Opportunities Advisor (EOA) of the request and at this stage a formal written complaint can be made. This is responded to in writing. The EOA should assist the complainant prepare and pursue his/her written complaint. The complainant is under no obligation to accept this offer of assistance.

The EOA is required to formally investigate the complaint. He/she may also take legal advice.

Once the EOA has gathered all the relevant facts, he/she must decide whether or not the complaint is justified, and if so whether it is within his/her powers to grant redress. He/she will inform the complainant of his/her decision in writing. If the result of the investigation find in favour of the opposition, then this too should be notified to both parties in writing.

If the complainant is not satisfied with any part of the outcome of the EOA decision, the matter is referred to the Managing Director. *\*\*please see time scale at bottom of page.* If the complainant is still not happy with the outcome the complaint is referred to the ESFA or Prime Contractor

**Time Scales**  
*\* From the time of receipt of the complaint, response will be within 7 working days – In this time an appointment should be arranged with the complainant to formally record actions to be taken.*  
*\*\* Managing Director will respond within 5 working days.*  
*\*\*\*All EOD concerns relating to staff and learners will be recorded on the CPOMS system*

**ANNEX E**  
**GENERAL INFORMATION**

General information may be obtained from the Equality and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**Advice and support about discrimination and human rights**

If you need expert information, advice and support on discrimination and human rights issues and the applicable law, especially if you need more help than advice agencies and other local organisations can provide, please contact the **Equality Advisory and Support Service (EASS)**.

**Please note:** EASS is completely independent of the Commission.

Phone: 0808 800 0082

You can email using the [contact form on the EASS website](#).

Website: [//www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Also available through the website are BSL interpretation, web chat services and a contact us form.

Post:  
FREEPOST  
EASS HELPLINE  
FPN6521

**Opening hours:**

9am to 7pm Monday to Friday  
10am to 2pm Saturday  
closed on Sundays and Bank Holidays

General enquiries

If you would like to find out more about their role and work please take a look around the website or contact them on the online form on the general enquiries page, or write to them at:

Correspondence Unit  
Arndale House  
The Arndale Centre  
Manchester  
M4 3AQ

In addition the Citizen's Advice Bureau and ACAS produce a series of information leaflets and will give Advice. Addresses and telephone numbers may be found in local directories.

Signed:



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## ***Managing Director***

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