

## Equality & Diversity Policy

The purpose of this policy is to bring together practices, relating to Equality and Diversity. To ensure that targets are monitored and recorded, inequalities in practice and procedures are addressed and eliminated to all staff to be treated fairly and for all learners to be given the opportunity to achieve their potential goals.

### **Our Commitment**

Introtrain & Forum LTD (IFL) is committed to achieving equality of opportunity for all staff and learners and will strive to provide an environment that is free from discrimination, harassment and victimisation. All employees and learners will be treated with respect and dignity, and the needs of minority and disadvantaged groups will be responded to with sensitivity, empathy and support.

Equality of opportunity means working to ensure that no student nor member of staff receives less favourable treatment on the grounds of race, gender, age, ethnic or national origin, disability, marital status, sexual orientation, care responsibility, political or religious belief.

### **The Employment Equality Acts updated 2011**

Outlaw discrimination in a wide range of employment and employment-related areas. These include

- Recruitment and promotion
- Equal pay
- Working conditions
- Training or experience
- Dismissal
- Harassment including sexual harassment.

The legislation defines discrimination as treating one person in a less favorable way than another person based on any of the following 9 grounds:

- **Gender:** this means man, woman or transsexual
- **Civil status:** includes single, married, separated, divorced, widowed people, civil partners and former civil partners
- **Family status:** this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- **Sexual orientation:** includes gay, lesbian, bisexual and heterosexual
- **Religion:** means religious belief, background, outlook or none
- **Age:** this does not apply to a person aged under 16
- **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- **Race:** includes race, skin colour, nationality or ethnic origin
- **Membership of the Traveler community.**

Discrimination is defined as less favorable treatment. An employee is said to be discriminated against if he/she is treated less favorably than another is, has been or would be treated in a comparable situation on any of the above 9 grounds.

To establish **direct discrimination**, a direct comparison must be made, for example, in the case of disability discrimination the comparison must be between a person who has a disability and another who has not, or between persons with different disabilities.

**Indirect discrimination** occurs when practices or policies that do not appear to discriminate against one group more than another actually have a discriminatory impact. It can also happen where a requirement that may appear non-discriminatory adversely affects a particular group or class of persons.

**Under the legislation** employers are obliged to make reasonable accommodations for **staff with disabilities**. This includes providing access to employment, enabling people with disabilities to participate in employment including promotion, and training.

**Positive action:** The law is extended to allow positive action for students, as well as in relation to employment. This provides scope for universities to adopt voluntary measures to alleviate disadvantage experienced by people who share a protected characteristic, reduce under-representation and meet particular needs. Positive discrimination, however, remains illegal.

**Third party harassment:** The Act extends protection to workers who are harassed by third parties, such as students, customers or suppliers. The employer will become legally responsible if they know that such harassment has taken place twice before and has failed to take reasonable steps to protect the worker from further harassment.

**Pregnant women and mothers** Extended protection from discrimination. The Act makes clear that mothers can breastfeed their children in places like cafes and shops and not be asked to leave (as was already the law in Scotland).

**Gender reassignment:** Changed definition by removing the requirement for medical supervision.

**Private clubs:** protection is extended to cover more protected characteristics

### **Single Public Sector Equality Duty**

The Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations) came into force on 10 September 2011. The Regulations set out the specific public sector equality duties that certain public bodies must comply with. The aim of the specific duties is to help public bodies comply with the general duty to promote equality in the workplace contained in the Equality Act 2010, which has been in force since 5 April 2011.

**General equality duty:** The general single equality duty requires public bodies, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share or have different protected characteristics.

The duty explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **Direct Discrimination**

- Direct discrimination is when you treat a student/employee less favourably than you treat/would treat another student/employee because of a protected characteristic. This includes racial segregation.
- Direct discrimination is always unlawful, although there are some exceptions in relation to HE that allow for e.g. single sex institutions. The one exception is Age, for which different treatment can be justified if it is a proportionate means of meeting a legitimate aim. However, this would be a difficult test to meet.

**Discrimination based on association:** when you treat a student/employee less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity)

**Discrimination based on or perception:** when you treat a student/employee less favourably because you think they have a protected characteristic (other than pregnancy and maternity)

**Discrimination because of pregnancy and maternity:** when you treat a woman less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a child.

### **Exceptions:**

- It is not direct discrimination against a non-disabled student/employee to treat a disabled student/employee more favourably.
- It is not direct discrimination against a male student/employee to offer a female student or employee special treatment in connection with her pregnancy or childbirth.

**For students:** where a provision, criterion or practice places disabled students at a substantial disadvantage in accessing education and any benefit, facility or service, the HEI must take such steps as it is reasonable to take to ensure the provision, criterion or practice no longer has such an effect. This might mean waiving a criterion or abandoning a practice altogether but often will involve just an extension of the flexibility and individual approach that further and higher education institutions already show to their students.

A competence standard is defined as an academic, medical or other standard applied by or on behalf of an education provider for the purpose of determining whether a person has a particular level of competence or ability. It is not a provision, criterion or practice and there is therefore no duty to make reasonable adjustments in relation to the application of a competence standard. However, the duty does apply to the process of demonstrating that a person meets the competence standard.

**For staff:** the need to adjust for an individual worker or job applicant:

- Must not be a reason not to appoint someone to a job or promote them if they are the best person for the job with the adjustments in place
- Must not be a reason to dismiss a worker
- Must be considered in relation to every aspect of a person's job
- Provided the adjustments are reasonable for you to make.

You are required to make adjustments that are reasonable, and what is reasonable depends, among other factors, on the size and nature of the organisation (i.e. the University of Edinburgh). Many of the adjustments you can make will not be particularly expensive.

Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

You only have to make adjustments where you are aware – or should reasonably be aware – that a student/employee or applicant has a disability.

**In accordance with the Equality Act 2010, IFL encourages and supports the development of a society in which:**

- People's ability to achieve their potential is not limited by prejudice or discrimination
- There is respect for and protection of each individual's human rights
- There is respect for the dignity and worth of each individual
- Each individual has an equal opportunity to participate in society, and
- There is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.

It is IFL policy to provide equality for all, irrespective of:

- Age
- Gender, gender reassignment, transgender, sexual orientation, marital or family
- Disability or learning difficulty
- Ethnic origin, perceived 'race', skin colour, nationality or national origin
- Religion or belief, philosophical belief or no belief
- Working hours including part time workers
- Membership/non-membership of trade unions
- Family arrangements and civil partnerships
- Or any other cause leading to unfair discrimination

**The government agenda, as one of the E&D agenda's key drivers:**

The government has several key policies to address inequality. We are committed to working with our strategic partners to help deliver the government's agenda in the following areas:

**Social Inclusion and Cohesion, Community Development, Access and widening participation**

**The legal framework as one of the E&D agenda's key drivers:**

- poor behaviour towards them.
- Ill-advised comments or harassment about any persons sex, sexual orientation (including lesbian, male homosexual or transitional sexual status), religion or belief, race or ethnic origin, disability or age, marital status
- Any abuse of a position of authority by a staff member over a learner or to another staff member.
- Being under the influence of alcohol will be considered to aggravate the offence and will not constitute an excuse for it.

### **Sexual Harassment**

Sexual harassment at work or in vocational training is now specifically defined in law. It is:

- Comments about the way you look which you find demeaning
- Indecent remarks
- Questions about your sex life
- Sexual demands by a member of your own or the opposite sex
- Any conduct of a sexual nature which creates an intimidating, hostile or humiliating working environment for you; this includes displays of pornography and Internet downloading of offensive material at work or vocational training.

Harassment of a sexual nature should be complained about using our **separate private procedure**.

To ensure that all staff and learners understand the limits of conduct, the following actions could constitute sexual harassment:

- **Physical Conduct of a Sexual Nature:** Unwanted and repeated physical contact including unnecessary touching, patting, pinching, brushing against another employee's body, assault or coercing sexual intercourse.
- **Verbal Conduct of a Sexual Nature:** Unwanted sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments.
- **Non-verbal Conduct of a Sexual Nature:** The display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.
- **Sex-based Conduct:** Conduct that ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender related.
- **Category Abuse:** Any action which causes alarm or distress to any person considering themselves to be transgender, in the process of gender reassignment, gay, lesbian, bisexual or genetically asexual.
- **Pressure Abuse:** It is not acceptable as an argument in favour of sexual harassment, that 'it is just an initiation ceremony', 'just for fun', 'no harm was meant', 'everyone does it', 'you are far too sensitive', 'you are out-of-date', 'everyone swears', 'well, what is pornography nowadays?', and other comments which try to justify unacceptable behaviour at work or in learning.

### **Harassing Aspects of Potentially Offensive Material**

#### **Displayed Graphic Materials**

Our policy is that it cannot be assumed that because one person does not find such material offensive, so all must put up with it. We will not put anyone in a situation in which they have to request that such items be removed. You are not to make available:

- The display of sexual material on posters or in any other form including graffiti.
- Any written or printed material intended to show that any person is inferior in any way, including any sexual or racist aspect.
- The use of 'playboy' or 'playgirl' style calendars or other potentially offensive magazines or pictures including those of a soft pornographic nature.

Managers and supervisors of learners at external workplaces or work placements are to be asked directly and without embarrassment, fear or favour to remove such items from the workplaces of government-funded learners as part of the external company's commitment to the equality of opportunity and protection from harassment. No learner will be put in a position of having to ask that material offensive to him or her be removed.

All staff and learners are protected from defects in their working environments that fall below standards set out in the Health and Safety at Work Act. Full details of this are held within IFL's Health and Safety Policy.

### **Selection for Redundancy or Redeployment to another Post**

All direct or indirect discrimination will be avoided during selection processes for any redundancies or for redeployment to other or new posts. Nursing mothers, those expecting or on maternity leave will all be protected according to statute

### **Victimisation**

No person, staff or learner shall be victimised as a result of them giving information about any act by a person that contravenes this Equality & Diversity policy. Persons making allegations that are proved to be false will be dealt with in accordance with the staff procedures for dismissal. Any staff member who bullies or harasses another staff member or learner who they believe has made an accusation against them, whether it be proved or not, shall be liable to dismissal. All staff will be able to report matters detailed in the Public Interest Disclosure Act 1998 without fear.

### **IFL Equal Opportunities Procedures**

To protect staff and learners alike there are procedures to ensure that each person has a redress against harassment and bullying at work or during any part of training. There are procedures for redress of complaint, and for the re-evaluation of decisions taken by assessors in accordance with the Common Accord following complaints from learners. A Complaints Book will be kept, regularly reviewed and the causes of complaints analysed to prevent reoccurrence. Anyone whose personal data is stored on an IFL computer will have right of access to it. Anyone who is permitted to take up copyright of designed material will have that copyright honoured. Health and safety at work will be paramount.

There will be control of the quality and wording of advertising and publicity. There will be proper procedures for the recruitment of staff and learners that meet and if possible, exceed the requirements for equality of opportunity. The facilities used by learners will be subject to regular formal review and necessary improvement. Learners are encouraged to discuss their concerns both formally and informally in private if requested.

Training notes will be checked to ensure the contents do not offend any group. The use of electronic communication will be monitored to ensure that no offensive material is introduced into the training or working environment and that personal privacy of data is protected. Management strategies and techniques will be regularly evaluated to ensure fairness of conduct. The structure of training and its content will be evaluated to ensure that it does not offend or infringe upon any person's rights.

The workplace or work placement contract procedures will be examined periodically to ensure fairness. The wording of contracts or service level agreements will contain wording, which describes the equal opportunities policy of IFL in an easily understandable way to any external organisation. The wording of contracts for full and part-time staff, including temporary, seasonal staff and contracted consultants contains details of the policy.

The dress code will consider concerns by any person who's religious or ethnic customs require a dress. Fasting periods and other periodic religious or ethnic requirements including time and location and privacy for prayer will also be considered on a case-by-case basis. Learners who wish to discuss issues they consider important in connection with religious festivals and celebrations should talk to their tutor who will pass on information to the directors.

### **Management Responsibility and Vicarious Liability**

IFL directors accept full responsibility for the discharge of the various laws and Acts of Parliament. They fully understand the implications for them of vicarious liability.

- To ensure that all Training fulfils its legal responsibilities;
- Through a rigorous process of scrutiny to ensure that the Diversity and Equality Policy meets the requirement of the legislation;
- To effectively monitor the implementation of the Policy and associated action plan;
- To ensure that those with responsibility under the Act assume their role.
- To provide active visible sponsorship and leadership;
- To ensure that related aims and objectives of the Equality and Diversity Policy are effectively implemented;
- To ensure that all staff are fully aware of their individual and collective responsibility and accountability;
- To provide adequate training, coaching and mentoring to ensure that staff have the skills, knowledge and competences required to meet the legal obligations and strategic intent in relation to Equality and Diversity;
- To ensure that allegations of discrimination are dealt with quickly and efficiently.

IFL will review this strategy in order to meet the strategic aims of the Skills Funding agency

### **Suggestions for Policy Improvement**

Please feel free to offer suggestions on the improvement of equality opportunities systems and procedures within this organisation.

### **Quality Assurance Review**

This policy will be reviewed annually as part of our self-assessment process.

All Queries and concerns about equal opportunities issues should be referred to the Directors stated below.

## **Annex A**

### **Equality & Diversity Legislation**

Both UK and European law has been extensively revised and improved in the last three years. The trend of wide reaching and life-changing legislation will continue. IFL is bound by the following policies:

#### **In the 1970's:**

- Equal Pay Act 1970
- Health and Safety at Work Act 1974
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- European Equal Treatment Directive 1976

#### **In the 1980's:**

- Copyright, Designs and Patents Act 1988
- Children Act 1989

#### **In the 1990's:**

- Disability Discrimination Acts 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Treaty of Amsterdam 1997
- Public Interest Disclosures Act 1998
- Data Protection Act 1998
- Working Time Regulations 1998
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999

#### **In 2000:**

- Part Time Workers Regulations 2000
- Race Relations (Amendment) Act 2000

#### **In 2001:**

- Special Education Needs and Disability Act (SENDA) 2001  
(for learner's time at FE Colleges only – this Act does not apply to private providers.)

#### **In 2003:**

- The Race Relations Act 1976 (Amendment) Regulations 2003\*
- The Employment Equality (Religion or Belief) Regulations 2003\*
- The Employment Equality (Sexual Orientation) Regulations 2003\*
- The Disability Discrimination Act 1995 (Amendment) Regulations 2003\*

#### **In 2004:**

- Gender Recognition Act 2004
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Children Act 2004

#### **In 2005:**

- Disability Discrimination Act 2005
- Employment Equality (Sex Discrimination) Regulations 2005\*

#### **In 2006:**

- Equality Act 2006
- Age – Employment and Vocational Training Law – 1<sup>st</sup> October 2006