



# **EQUALITY & DIVERSITY POLICY**

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# EQUALITY AND DIVERSITY POLICY

Growtrain LTD is committed to equality of opportunity in every aspect of its activities. The college will ensure equality of opportunity both as an employer and as a provider of education and training.

**In accordance with the Equality Act 2010, the college 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 Growtrain LTD's policy to provide equality for all, irrespective of:

- Age
- Gender, gender reassignment
- Sexual orientation
- Marital or family status including pregnancy
- Disability or learning difficulty
- Ethnic origin, perceived 'race', skin colour, nationality or national origin
- Religion or belief, philosophical belief or no belief
- Working hours
- Membership/non-membership of trade unions

Growtrain LTD is a provider of education, learning and training, and has a duty to ensure that people from different sections of the community have equal and fair access to its services.

All Growtrain LTD delegates, staff, employers working with Growtrain LTD, sub-contractors and service providers will be made aware of this policy and of their obligations.

This policy places an obligation on staff and delegates to treat everyone with dignity and respect.

## **Implementation and actions**

Growtrain LTD is responsible for ensuring that all staff, delegates, sub-contractors and service providers are aware of their rights and responsibilities with regard to equality.

Growtrain LTD is committed to the following actions in order to fulfil this policy:

- Promoting an organisation where people are treated with respect and dignity and where no form of intimidation or harassment is or will be tolerated.
- Taking reasonable steps to prevent any form of harassment, direct or indirect discrimination or victimisation.
- Taking reasonable steps to make sure that no delegates or staff member is placed at a disadvantage by stipulated requirements or conditions.
- Consulting with staff, delegates, on issues relating to Equality and Diversity and its advancement if necessary.

## ***Considering the dignity of individuals***

Equal opportunities is about treating everyone **fairly** and ensuring that services and facilities are accessible to all.

It encompasses the methods of work, attitude and behaviour of all individuals within the Growtrain LTD on Growtrain LTD activities whether they are delegates, staff, employers, sub-contractors or visitors.

Growtrain LTD will operate a 'zero tolerance' to any infringement of its equality and diversity policy and procedures.

If proven, any infringement of this policy would be considered gross misconduct and dealt with through the staff disciplinary procedure as appropriate.

Detailed guidance is attached to this policy, which is aimed at assisting everyone to understand the issues and legislation relating to equality and diversity. A glossary of terms is also provided. Please see appendix 1.

### **1. Delegates**

Where possible and appropriate, course structures will be designed in a flexible way in relation to the life circumstances and learning needs of the delegates. Growtrain will treat all delegates with dignity, respect and as individuals in the provision of access to facilities, learning opportunities and support. Training material will be devised to positively promote all aspect of equality and diversity

### **2. Staff Training**

Growtrain LTD staff are required to undertake appropriate training for equality & diversity.

### **3. Relationships with employers**

Growtrain LTD will ensure that all employers are willing to accept our policy.

### **4. Contractors, Sub Contractors and Service Providers**

Growtrain has contracts with many organisations and individuals other than staff. Examples include: suppliers, contractors engaged to carry out work for Growtrain LTD. This list is neither exclusive nor exhaustive.

Growtrain LTD will make available to suppliers, contractors, employers or others who provide a service to Growtrain LTD the Equality and Diversity policy, where they do not currently have an Equality and Diversity Policy of their own, encourage them to work within the expectations of Growtrain LTD policy.

## **5. Dealing with Discrimination**

Growtrain LTD will ensure that every support and assistance is provided to delegates, staff, contractors or other users who consider they have been a victim of discrimination, harassment or victimisation.

All acts of unlawful discrimination, harassment or victimisation by staff or delegates shall be treated as disciplinary offences. Individuals can be held personally liable for acts of discrimination and/or victimisation which they commit, authorise, contribute to or condone. In serious cases, this may lead to dismissal with or without notice or payment in lieu of notice.

## **6. Dealing with diversity related incidents**

In the first instance issues related to equality and diversity will be dealt with through Growtrain LTD complaints procedure.

## **8. Data and Target-setting**

Growtrain LTD is responsible for ensuring the development, implementation and monitoring of this policy.

Growtrain LTD collects data relating to protected characteristics including age, gender, nationality, first language, ethnicity, disability, and learning difficulty of individuals, in order to be able to support its equality objectives.

**Information relating to delegates is gathered from a variety of sources such as:**

- Applications
- Enrolments
- Delegate participation by course
- Achievement rates
- Retention rates
- Success rates

**Information relating to staff is gathered from a variety of sources such as:**

- Applications for employment
- Disciplinary, Grievance and Complaints

## **Data Protection**

All personal information collected for the purpose of equality and diversity monitoring will be treated as confidential and not misused, in accordance with the Data Protection Act 1998.

## **9. Continued Effectiveness of this Policy**

Formal monitoring of our progress in relation to our equality and diversity will occur annually.

## Equality & Diversity Guidance Notes

This document is prepared as a guide for all members of staff, delegates and contractors to assist them in understanding what is meant by the term “equality and diversity” and in making the college’s commitment to equal opportunities a reality. The document includes the following:

- What is discrimination?
- What is the law relating to equal opportunities?
- What are the responsibilities of all parties concerned?

It is hoped that this document will give all concerned a greater understanding of equal opportunities and encourage everyone to participate actively in implementing and monitoring the success or otherwise of Growtrain LTD’s equality and diversity policy.

### Types of Discrimination

#### Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

#### Associative discrimination

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic?

#### Perceptive discrimination

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your organisation, i.e. that it is ‘a proportionate means of achieving a legitimate aim’. A *legitimate aim* might be any lawful decision you make in running your organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you’ve looked at ‘less discriminatory’ alternatives to any decision you make.

## **Harassment**

Harassment is “**unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual**”.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and Association.

## **Third party harassment**

The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

## **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act or because they are suspected of doing so. An employee 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.

*Bullying* – is often associated with the workplace or learning environment. Anyone can be a bully. The essence of bullying is taking advantage of weakness. Bullying is unacceptable; it devalues individuals and as such is completely against the ethos of equal opportunities.

- *Positive Action* - The Equality Act enables employers/service providers to encourage applications/participation from persons from particular protected characteristic groups if they are - represented in specific occupations or activity. Legislation also enables organisations to seek or establish training courses exclusively for existing employees from underrepresented groups. These measures are known as ‘Positive Action’. However, it would be unlawful for applicants to receive favourable treatment during the recruitment process.
- *Genuine Occupational Qualification* - When recruiting, an employer can discriminate in favour of a person with a particular protected characteristic where a person’s protected characteristic is a genuine occupational qualification (GOQ) for a particular job. GOQs can be claimed in very limited circumstances, for example where considerations of privacy and decency or authenticity are involved.

# Equality and Diversity Legislation

## Introduction

The introduction of the Equality Act 2010 meant that a large number of pieces of previous statute were repealed, but the following legislation is also considered:

- Copyright, Designs and Patents Act 1988
- Children Act 1989
- Children Act 2004
- Equality and Human Rights Act
- Race and Religious Hatred Act 2006

## What are the responsibilities of all parties concerned?

**Personal Liability** – If a member of staff, in the course of their employment, discriminates unlawfully against any individual on the grounds of race, gender or disability they may be personally liable.

**Vicarious Liability** – Growtrain LTD, as an employer, is liable for any discriminatory act carried out, with or without its knowledge or approval, by an employee in the course of his or her work unless it can demonstrate that all practicable steps were taken to prevent the employee discriminating.

All full-time and part-time employees and job applicants (actual or potential) will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of his or her relevant merits, aptitude and ability. All positions (except those subject to legal exemption) will be equally open to all members of the community.

## Complaints and Grievances

Any delegates, member of staff, sub-contractor or visitor who believes they have been treated less fairly than others, discriminated against or victimised should make a formal written complaint to the Managing Director. Complaints will be dealt with under the published Complaints Procedure.

## Glossary of Terms Associated with the Equalities Act 2010

**Advancing equality:** The Equality Act 2010 states that this involves having due regard to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic.
- meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- encourage persons who share a relevant protected characteristic to participate in public or in any other activity in which participation by such persons is disproportionately low.

**Age:** This refers to a person having a particular age (e.g. 32-year-olds) or being within an age group (e.g. 18-30 year-olds).

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Compliance notice:** The Equality and Human Rights Commission can, if a public authority does not comply with its general or specific duties, serve a compliance notice on that authority under section 32 of the Equality Act 2006. The notice will state that the authority must meet its duty and inform the Commission within 28 days what it has done or is doing to meet its duty.

**Direct discrimination:** This refers to less favourable treatment because of a person's protected characteristic.

**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 their ability to carry out normal day-to-day activities.

**Engagement:** A broad term, intended to cover the whole range of ways in which public authorities interact with their service users and their employees, over and above what they do in providing services or within a formal employment relationship.

**Equality Act 2010:** This brings together most of the existing equality legislation into one place so that it is easier to use. It also strengthens the legislation in some areas. It sets out the protected characteristics that are protected by the law and the behaviour that is unlawful.

**Equality analysis:** Equality analysis involves looking at your equality information and the outcome of your engagement to understand the effect or potential effect of your decisions on different protected groups. The general equality duty does not specify how public authorities should analyse the effect of their policies and practices on equality.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This will include the findings of engagement with protected groups and others and the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Equality objectives:** A requirement to prepare, set and publish objectives is one of the specific duties set out under the equality duty. An organisation's objectives should aim to further one or more aims of the equality duty.

**Equality outcome:** The results that individuals or groups actually achieve and are able to benefit from. For example, equal pay between men and women.

**Fostering good relations:** The Equality Act 2010 states that having due regard to the need to fostering good relations involves having due regard to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

**Function:** The full range of a public authority's activities, duties, and powers.

**General duty:** The requirement to show due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a provision, criterion or practice is applied in a way that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic and is not a proportionate means of achieving a legitimate aim.

**Marriage:** A union between a man and a woman.

**Maternity:** The period after giving birth. It 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, including as a result of breastfeeding.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups. For example, delivering a service by telephone alone may cause problems for those with a language barrier. Rather than changing the way the service is delivered, this could be mitigated by using telephone interpreting services.

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (e.g. providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy:** The condition of being pregnant.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Protected characteristics:** The equality duty covers the following characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are also referred to as **protected groups**. The duty also covers marriage and civil partnerships, but not for all aspects of the duty.

**Public authority:** The general equality duty applies to public authorities. For this purpose, a public authority is a body that is named (listed) or described in Schedule 19 of the Equality Act. It also applies to other organisations who exercise public functions. This includes private bodies or voluntary organisations which are carrying out public functions on behalf of a public authority.

**Public functions:** The Equality Act 2010 defines a public function as a function that is of a public nature for the purposes of the Human Rights Act 1998.

**Race:** This is the protected characteristic of race. It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. **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.

**Sex:** Someone being a man or a woman.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Stakeholders:** People with an interest in a subject or an issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it.

**Statutory Code of Practice:** A document which offers practical guidance on the law, has been approved by parliament and is admissible as evidence in a Court of law.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.