



Title	Equality and Diversity for Learners
Owner	Quality Manager
Review interval	Annually or when there is a change in rules, regulations or procedure
Date of last review	3/6/21

Updates Every review will not necessarily yield any changes if none are needed. There will only be comments below if a change was made		
Date	Version no.	Comments
3/6/20	1	
3/6/21	2	Added detail to clarify how this policy can be promoted Other minor text improvements not affecting meaning

Intent

Grey Seal Academy (GSA) is committed to a policy of equality and diversity for everyone, regardless of an individual's characteristics as defined by the introduction of the Equality Act 2010 as 'Protected Characteristics': race, colour, nationality, ethnic or national origin, religious belief, gender, age, gender reassignment, marriage or civil partnership, pregnancy and maternity. No individual or entity including (but not limited to) learners, customers, clients or members of staff involved with GSA shall knowingly receive less favourable treatment on these grounds, nor will any other condition or requirement that cannot be justified disadvantage them.

All GSA staff will receive appropriate training on their obligations under the law in respect of equality and diversity and in the implementation of this Policy. In particular, GSA shall be required not to commit any act of discrimination that contravenes any of the Acts detailed in Section 8 of this Policy.

GSA staff will be required to take ownership of this Policy, and all internal company policies, and recognise their duty to ensure all policies are upheld. Failure to do so may result in disciplinary action against them. Learners shall also be made aware of their responsibilities and duties governed by this Policy, and any failure to comply with this Policy may result in the termination of their contract, or withdrawal from the GSA training programme.



Scope

This document is for all GSA staff, employers and learners to help them understand their responsibilities in actively supporting GSA's commitment to equality and diversity. It is designed to give all concerned a greater understanding of what equality and diversity means and to encourage everybody to participate actively in its implementation.

GSA is committed to encouraging the sectors in which we work to continually reappraise methods, and support and value equality and diversity in order to ensure continued success.

This Policy is implemented in conjunction with the Bullying and Harassment, Safeguarding, Health and Safety, Complaints, Disciplinary and Grievance Policies.

What is Equality and Diversity?

Equality is not about treating everyone the same. It is about treating people fairly. It is not acceptable to discriminate against anyone, or treat them less favourably, for reasons that cannot be justified. There exists a range of legislation which imposes a minimum standard of behaviour on employers and individuals.

Diversity means recognising that individual and professional differences are a natural part of society and can often create an opportunity for those who recognise them. Organisations that embrace variety, value difference, reject prejudice and understand and accommodate changing work patterns will reap the rewards of a happy, fulfilled and motivated workforce with diverse skills. Diversity in this context means recognising that individual and group differences present opportunities to harness creativity and build continuous improvement. Diversity occurs naturally. Everyone differs as individuals and based on the social, professional and organisational groups they belong to. Managing diversity effectively means dealing with the spectrum and spread of human culture within the work environment. It focuses on how to use the differences between people to drive excellence and creativity in performance.

Raising Learner awareness of Equality and Diversity (through training)

GSA shall take steps to create a positive learning environment that is free from discrimination and harassment. It is GSA's ethos that the learning environment is inclusive, open and respectful to all. The steps we take to create a positive learning environment includes, but is not limited to:

- i. Tailoring programmes to the individual needs of each Apprentice
- ii. Staff will support employers with information, advice and guidance
- iii. Trainers will work to raise Learner awareness of issues surrounding Equality, Diversity and Inclusion, through a comprehensive induction, ongoing advice and embedding subjects within programmes wherever there is opportunity to do so.
- iv. Grey Seal Academy managers will support Trainers to do this through professional development and quality assurance.
- v. Ensure all Grey Seal Academy Staff have an awareness of this policy and associated behaviours.

Advertising

GSA shall ensure that its advertising material is free from any indication of an intention to discriminate unlawfully.

GSA shall make every effort to encourage applications from all suitable candidates regardless of their protected characteristics with regards to disability.

GSA staff shall encourage all interested and eligible people to apply for training and provide support and guidance to identify the best development solution for the individual.

Promotion

Grey Seal Academy will promote this policy and its principles using a wide variety of methods, including, but not limited to:

- Publishing on its website www.greyseal.co.uk
- Discussion in programme inductions
- Holistically sign posting relevant topics during training
- Actively engage Apprentices in discussions of relevant topics
- Regularly checking on awareness, for example, during Tripartite Progress Reviews.
- Giving constructive feedback to Trainers from conducting Observations of Teaching and Learning



Recruitment and Selection

Initial applications: all applications for training or employment with GSA shall be monitored with regards to equality, in line with the Equality Act and stored in compliance with the Data Protection Act.

GSA Assessment: any GSA assessments taken shall be specifically relevant to the requirements of the job or training scheme. All GSA assessments will be free from any unjustifiable bias, either in content or in scoring.

Advice to employers: GSA promotes equality, diversity and inclusion to employers that are recruiting learners under its training scheme by advising and recommending that:

- selection interviews should be conducted by more than one person where it is practical;
- questions asked at the interviews should relate to the requirements of the job or training scheme and must be consistently applied;
- interviewers should avoid making generalised assumptions on the grounds of race, colour, nationality, ethnic or national origin, religious belief, gender, disability, marital status, sexual orientation, domestic commitments or any other irrelevant factor;
- it is recommended that records of interviews shall be kept for six months and must include the reasons why applicants are rejected.

People with disabilities: applications for employment or training from people with disabilities shall be considered as follows:

- there are health and safety regulations in force in some sectors to comply with certain standard fitness requirements;
- when making decisions about a person's suitability for employment or training, all the information available shall be taken account of, including past assessments of the applicant's abilities and disability. Where appropriate, the professional opinion of a doctor may be sought;
- where necessary, reasonable modifications shall be made to the selection process to remove any unintentional or unjustified disadvantage to an applicant with a disability.

Placing Learners with Employers

GSA shall use its best endeavours to assist any applicants in sourcing suitable employment opportunities.

Employers shall be required to comply with the statutory requirements of all relevant legislation. They are expected to follow the guidance provided in the relevant Codes of Practice as well as this Equality and Diversity Policy. Employers are acting unlawfully if they instruct or put pressure on others to discriminate. GSA staff are acting unlawfully if they comply with such instructions or pressure.

When deciding upon a potential learner's suitability for placement with an employer, including the recommendation for training, the learner's personal characteristics or any other irrelevant factor shall not influence the decision (see paragraph "People with Disabilities").

GSA staff shall assist employers in obtaining any potential extra help by Government-funded agencies for the accommodation and training of people from under-represented groups.

People with Disabilities: Discussions with the applicant, and those who are responsible for his/her employment and training, shall be undertaken to explore how, if at all, the disability will affect his/her ability, and what changes may be required to enable him/her to do the job. An assessment will then be made as to whether any adjustments are reasonable. Where necessary, GSA will advise on the sources of potential specialist support, equipment or adaptation of premises.

NB: In respect of disability there are, however, health and safety regulations in force in some sectors to comply with certain standard fitness requirements.



Ex-Offenders

GSA shall make every effort to avoid unfair discrimination based on unrelated criminal convictions. An individual's offending record may have no bearing on the training and/or employment under consideration. If there is any doubt as to whether the previous conviction(s) are relevant or not, it will be a matter of exercising judgement based on the facts of the offence (e.g. serious, if work-related or with a history of re-offending) and the nature of the training and/or employment sought.

When seeking information about offences, it is important that any information given by the applicant is not used against them in any way and is only divulged to those who have a need to know.

The Rehabilitation of Offenders Act (1974) outlines that, except for certain exempt occupations, some minor convictions may be regarded as "spent" after a period of time. Such convictions must be disregarded when considering suitability for training or employment.

Due to the nature of the work that is performed by some GSA employees, GSA is registered with the Disclosure and Barring Service and reserves the right to have appropriate checks made.

Equality Legislation

8.1 GSA is committed to meeting its statutory obligations under the following legislation and codes of practice:

The Equality Act 2010 replaces the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, much of the Equality Act 2006, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006, and the Equality Act (Sexual Orientation) Regulations 2007 (where applicable, as subsequently amended), plus other ancillary pieces of legislation.

The Equality Act 2010 covers nine protected characteristics:

- race;
- sex;
- disability;
- sexual orientation;
- religion or belief;
- age;
- gender reassignment;
- marriage and partnerships;
- pregnancy and maternity.

The Act prohibits unfair treatment in the workplace when producing goods, facilities and services, when exercising public functions in the disposal and management of premises, education and by associations.

Prevent Duty; to prevent people from being drawn into terrorism. All members of GSA staff, learners and employers are encouraged to respect others with particular regard to the protected characteristics as set out in the Equality Act 2010; promote Equality, Diversity, British Values, challenge stereotyping and discrimination.

<https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales>



Types of Unlawful Discrimination

Direct Discrimination: Treating one person less favourably than another because of certain protected characteristics, i.e. their race and/or gender, in any aspect of their employment, i.e. recruitment, appraisal or terms and conditions.

Associated Discrimination: It is currently unlawful to discriminate against or harass someone because they are 'linked to' or 'associated with' a person who is of another sexual orientation, race, or religion or belief. The Equality Act 2010 extends this to age, disability, sex, or gender reassignment.

Indirect Discrimination: Applying a requirement or condition which, whether intentionally or not, adversely affects any person, or member of a particular group, considerably more than others not of that group, and which cannot be objectively justified on any other grounds.

Harassment/Bullying: Any act that makes the recipient feel intimidated, embarrassed or humiliated can amount to unlawful discrimination as defined in the relevant legislation.

Sexual Harassment: Can be generally defined as unwanted, unreciprocated and unreasonable conduct or language of a sexual nature affecting the dignity of men and women at work. This is a form of direct sexual discrimination.

Examples of sexual harassment include:

- unwanted physical contact;
- pestering, in action, word or by communication;
- insults or ridicule;
- applying pressure, by threat or inducement, for sexual favours;
- the display or circulation of sexually explicit material.

Racial Harassment: Is any display of racial prejudice by word or conduct which is unwanted, unreasonable and offensive. This is a form of direct racial discrimination.

Examples of racial harassment include:

- derogatory comments and remarks;
- jokes and insults which are race-related;
- deliberately creating poor working conditions.

Victimisation: Disciplining or dismissing an individual who makes a complaint in good faith under any of the Equality Acts or this Policy, or who gives evidence in connection with proceedings brought under those Acts. Any member of society can find all of the above offensive, not just those in minority groups.

Exemptions from Equality Legislation

Positive Action: The practice of identifying and removing real or perceived barriers that will disadvantage under-represented groups. This practice allows for steps to be taken to encourage under-represented groups, such as ethnic minority groups or a particular gender, to apply for jobs or training and looks at readdressing a balance or actively encouraging more balanced representation in the workforce. The Equality Act 2010 allows employers to choose to take positive action to appoint a person from an under-represented group, provided candidates are equally suitable, if they want to. However, the most suitable person must still get the job and the merit principle still applies. Such positive action will be optional and there will be no quotas. Positive discrimination (employing someone because of a characteristic regardless of merit) will remain illegal.

Genuine Occupational Requirements (GOR): Allows employers to favour applications from a particular ethnic group or gender where the particular job requires consideration of privacy, decency, or where being of a particular minority group is a genuine occupational requirement – for example, advertising for a female employee to work in a women's refuge.

Dealing with Discrimination

Acts of unlawful discrimination by GSA staff shall be treated as disciplinary offences.

All staff and learners will be advised of grievance procedures and their rights under the law on commencement of employment or training



Dealing with Harassment and Bullying

Racial and sexual harassment, as well as harassment concerning religious belief, disability or sexual orientation, can make the working place of the employees and learners intolerable and their performance can suffer as a result. Any such actions, which are unwanted and adversely affect working relationships, are disciplinary offences within GSA.

GSA staff and employers have a responsibility for recognising harassment when it occurs, and they should make every effort to ensure that the harassment ceases.

Incidents in the workplace should be initially reported to the person's Line Manager/work supervisor. If this is not practicable or satisfactory, the incident should be reported to a higher management level, or somebody who can act in a supportive/advisory role.

Options Available to a Learner with an Equality and Diversity Issue

A learner has various options available to him/her if he/she has experienced unfair treatment either at work, or by a member of GSA staff (see section 13). When following any of these options, the GSA Equality and Diversity Officer shall be made aware of the issues that have arisen, will keep a record of the situation and may be involved in investigating the issue.

Unfair Treatment at Work (see process below)

In the first instance, if a person is treated unfairly, bullied, harassed or discriminated against on the grounds of race, sexual orientation, sex or disability, he/she can, if they feel confident enough, manage the situation personally by assertively telling the person treating them unfairly that the behaviour in question is not acceptable and should stop. The learner should inform his/her GSA member of staff of what has taken place as soon as possible, who will monitor the situation and inform the employer and the GSA Equality and Diversity Officer of what has happened, giving the employer opportunity to ensure that such behaviour does not continue.

If the learner is not comfortable with assertively challenging offensive behaviour, he/she should inform their supervisor or employer of what has happened. Steps should then be taken by the employer to ensure that the offensive behaviour does not continue. As soon as possible, the learner should inform the GSA member of staff of what has taken place. The GSA member of staff will monitor the situation and support or advise the company in finding a resolution to the situation. A large company may have its own equal opportunities representative who should follow the company policy in dealing with such issues. The GSA member of staff will still monitor the situation and offer support during this investigation.

As soon as an issue is brought to the attention of a GSA member of staff, he/she will inform the GSA Equality and Diversity Officer.

If this situation is not effectively resolved with the intervention of the GSA member of staff, supported by their Line Manager and/or the GSA Equality and Diversity Officer, and the employer is not taking action, the option at this stage may be to find another placement for the learner and withdraw the GSA contract from the employer.

All employers and GSA-managed learners are bound by contract and legislation to take action to prevent and stop any inappropriate behaviour in the working environment and abide by GSA's Equality and Diversity Policy.



Complaints processes

Learners who Experience Unfair Treatment at Work

1. Learner complaint – Assertively challenge offender
2. Inform employer / GSA staff member
3. GSA staff member reports to their line manager / GSA Equality and Diversity Officer
4. Issue resolution (actions agreed with employer or learner removed from placement)

Unfair Treatment from a GSA Member of Staff

If a learner feels that they have been treated unfairly by a GSA member of staff, through bullying, harassment or discrimination, contact can be made with GSA Head Office who will inform the Line Manager and the GSA Equality and Diversity Officer of the issues. The Line Manager or the GSA Equality and Diversity Officer will then investigate the situation and try to find some resolution to the situation. If it is found that there was a breach of the GSA Equality and Diversity Policy, disciplinary action will be taken. This process will involve GSA's appropriate level of management.

Complaints Process for a Learner who Experiences Unfair Treatment from a GSA Member of Staff

1. Learner complains – Contact GSA Head Office
2. Report referred to GSA Equality and Diversity Officer or Line Manager
3. Investigation
4. Report results to appropriate manager
5. Disciplinary action if required