



Equality and Diversity



training and
recruitment



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Contents

1	Introduction	3
2	Our Commitment.....	4
3	Aims	5
4	Roles and Responsibilities.....	6
5	Operating Principles.....	7
6	Breaches of the Policy.....	8
7	Allegations of Discrimination, Harassment and Bullying.....	8
8	Counselling, Support and Advice	8
9	Precautionary Suspension or Special Leave Arrangement	8
10	Victimisation.....	8
11	Malicious Complaints	9
12	Harassment and Bullying.....	9
13	Definition of Harassment	10
14	Definition of Bullying	11
15	Monitoring and Assessment of Effectiveness	12
16	Publishing Arrangements.....	12
17	Equality Act 2010	13
18	Contacts.....	14

1 Introduction

1.1 Smart Training & Recruitment is committed to equality of opportunity and treatment, both, as a provider of training and as an employer to the production, implementation, review and monitoring of policies that promote equality and inclusion for all those who train and work within the company. We continuously promote diversity and make a commitment to raising achievement for all learners.

1.2 The company recognises its commitments under the law and is committed to providing equality of opportunity by aiming to ensure that its practices and procedures follow legal requirements. In accordance with the Equality Act 2010 we will encourage and support 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.

1.3 We are committed to equality, diversity, social inclusion and social justice. We oppose discrimination in any form, including inappropriate conduct, bullying, harassment, discrimination and the disregard of dignity. The purpose of this policy is to ensure equality of opportunities for all learners, potential learners, staff and job applicants irrespective of:

- Age
- Race
- Disability or learning difficulty
- Family and social status
- Marital and civil partnership
- Pregnancy and maternity
- Religion or belief including philosophical belief and no belief
- Sex (gender bias)
- Sexual orientation
- Gender reassignment
- Legal political belief
- Trade union activity
- Ex-Offenders

Or any other causes which incorrectly and unfairly discriminates against a person or their human rights.

2 Our Commitment

- 2.1** We value a diverse learner and employee base and the individuality and creativity that everyone potentially brings to the workforce. We recognise that people from diverse backgrounds can bring new ideas and perceptions that help increase organisational efficiency and improve services.
- 2.2** We will strive to create a positive, inclusive atmosphere, based on respect for people's differences, in which learners and staff are actively encouraged to reach their full potential. All staff and learners have rights and responsibilities in relation to the promotion of equality.
- 2.3** The Directors and all those in management and leadership roles will, through their defined responsibilities, be proactive in promoting diversity and equal opportunities, and in tackling unlawful discrimination. Further, they will ensure that our employees, learners, customers, clients and employers are aware of the policy and that they understand they are responsible for upholding it.
- 2.4** The Directors will maintain an overview of the implementation of the Equality, Diversity and Inclusion Policy, and will review the policy annually.

3 Aims

3.1 Our Commitment is embodied in the following aims:

- To recruit a diverse workforce and learner base: We will regularly review and revise the company's policies, practices and procedures, to make sure they are not potentially discriminatory.
- To serve all members of the communities we provide.
- To work with local education and training providers to widen local participation in learning.
- To offer flexible and responsive programme structures and study patterns.
- To ensure all materials published by ourselves avoid the use of offensive and discriminatory language and images. Such marketing materials will be directed at encouraging the widest representation of cultural and social groups on all programmes.
- To respect the wide diversity of learners and to endeavour to ensure that systems and practices do not conflict with cultural and religious beliefs.
- To provide impartial information, advice and guidance that meets diverse needs and to ensure learners are aware of appropriate progression routes.
- To ensure learner support including learning development takes into account the diversity of learners in order that the needs of individuals are identified and provided for.
- To use systems that ensure that bias and discrimination are avoided during the assessment process for learner applications
- To provide appropriate guidance and training to employees, employers and learners in aspects of Equality and Diversity and on their responsibilities under the law.
- We understand that we have an anticipatory duty in law to cater for the following:
 - mobility
 - manual dexterity
 - physical co-ordination
 - continence
 - ability to lift, carry or otherwise move everyday objects
 - speech, hearing or eyesight
 - memory or ability to concentrate, learn or understand
 - perception of the risk of physical danger.

3.2 To make reasonable adjustment to our services and facilities where possible and practicable to enable any learner with a disability to participate. Where we are unable to meet individual needs, we will endeavour to signpost another provider who is better able to meet the individual needs.

To make all documents available, on request, in other formats – for example, on audiotape, in enlarged print or on a variety of coloured paper.

4 Roles and Responsibilities

The Senior Management Team is responsible for ensuring that:

- The company complies with the Equality Act 2010
- The policy and its related strategies and arrangements are implemented.
- The policy is continuously reviewed on at least an annual basis

Line Managers are responsible for ensuring that:

- All staff is aware of their responsibilities and accountabilities under the policy.
- Appropriate action, under the policy, is taken against staff, employers or learners who are found to have acted in any way in an unlawfully discriminatory manner.
- The promoting of equal opportunities and the management of diversity and raising awareness of equality issues across the company's activities.
- Appropriate training and information is provided to staff in support of the policy and that they are adequately supported in order for them to fulfil their responsibilities appropriately.
- Providing and publishing monitoring data in respect of staff and learners in support of the policy.
- Identifying and appointing members of staff throughout the company to deal with reported incidents of racism or harassment.
- Employers are aware of and comply with this policy.
- All sub-contractors and suppliers are aware of and comply with this policy.
- Materials used to deliver the training programme are free from sexist, racist and other discriminatory assumptions, images and languages, unless they are being studied as examples of such.

All staff have a personal responsibility for:

- Creating and maintaining an environment in which the dignity of individuals is respected.
- Actively implementing the Equality and Diversity policy on a day to day basis.
- Attending training and information events in order to keep up to date with anti-discrimination legislation.
- Promoting equality and diversity through their training programmes and through relations with learners, staff and employers.
- Ensuring their training covers the knowledge, skills and values which learners need to tackle discrimination when they meet it and to help them respect different cultures.
- Ensuring that materials used to deliver the training are free from sexist, racist and other discriminatory assumptions, images and languages, unless they are being studied as examples of such.

All learners, visitors and representatives from other organisations attending the company on any business will be expected to maintain the environment in which the dignity of individuals is respected and comply with this policy.

5 Operating Principles

5.1 Smart Training and Recruitment will ensure:

- Employees, job applicants, learners, visitors, clients and customers are treated fairly, openly and honestly, and with dignity and respect.
- No job applicant, employee or learner will receive less favourable treatment on grounds of age, race, colour, nationality, ethnic or national origin, disability or learning difficulty, family and social status, gender reassignment, marital status, pregnancy, religion or belief including philosophical belief and no belief, sex (gender bias), sexual orientation, legal political belief or trade union activity.
- Steps are taken to make sure all business practices ensure equal opportunities. Equality of opportunity is about good employment practice and makes sound business sense.
- All job advertisements will carry a statement on the company's Equality and Diversity Policy.
- Recruitment, training and promotion opportunities will be made as widely available as possible.
- Selection criteria for employment, training and promotion opportunities will be entirely related to the job or learning programme.
- Employment decisions on recruitment, promotion and training will be made solely on the basis of merit.
- Everyone has the right to work and do business in an environment free of unlawful discrimination and harassment. We will not tolerate such behaviour under any circumstances.
- Disciplinary action, including dismissal, may be taken against any employee found responsible for harassment, bullying or discrimination.
- Any employee or learner who believes he or she is being discriminated against, victimised or harassed should raise the matter through the company's Complaints or Grievance Procedures.
- At any time if it is preferable or more comfortable to do so, you may wish to discuss the matter in confidence with the HR manager or any of the company Directors.

6 Breaches of the Policy

- 6.1 The company expects all staff and learners to comply with this policy and will not tolerate any acts of unlawful discrimination or harassment.
- 6.2 Any such acts will be investigated and where appropriate dealt with under relevant disciplinary procedures. The outcome of such procedure will be judged according to the circumstances, but a positive outcome will be the aim.

7 Allegations of Discrimination, Harassment and Bullying

- 7.1 All staff and learners have the right to make a complaint. This will be dealt with promptly and fairly, and confidentiality will be observed.
- 7.2 The company will ensure that staff and learners who make a complaint of unlawful discrimination or harassment are fully supported and are not victimised as a result of making a complaint.
- 7.3 Staff who have concerns or wish to make a complaint about discrimination or harassment and/or bullying should follow the company's grievance procedure.
- 7.4 Learners who have concerns about discrimination or harassment should contact their Training Advisor or Internal Quality Assurance staff or, if appropriate, a member of the Senior Management team.
- 7.5 Learners who consider that they have been subject to harassment have the right to make a complaint under the company's Complaint Procedure details, which are available from any member of Smart staff.

8 Counselling, Support and Advice

- 8.1 A member of staff or a learner, who considers that they have been harassed and/or bullied, received a complaint of alleged harassment or witnessed harassment, may wish to seek counselling, support and/or advice before deciding how to proceed. In such circumstances, members of staff and learners should contact their line manager or Training Advisor as appropriate.

9 Precautionary Suspension or Special Leave Arrangement

- 9.1 Where an incident of discrimination and/or harassment and/or bullying involves a member of staff, (either the person being harassed or alleged harasser), special leave or precautionary suspension provisions may be applied where appropriate. This is not a disciplinary sanction. During this period employee(s) shall continue to receive their contractual remuneration and any non-remunerative benefits.

10 Victimisation

- 10.1 Staff and learners claiming discrimination and/or harassment and/or bullying will be protected against retaliation. An allegation of victimisation will be considered under the relevant disciplinary procedure.

11 Malicious Complaints

- 11.1** The procedures aim to promote fairness and consistency in dealing with complaints. The company does, however, have a duty to protect its employees and learners from malicious complaints, and appropriate disciplinary action shall be taken when it can be demonstrated that a complaint is made on a deliberately malicious basis.

12 Harassment and Bullying

- 12.1** Smart Training and Recruitment is committed to providing a working and learning environment free from any form of harassment and bullying. The company fully accepts that harassment and bullying can affect working, learning and social conditions for staff and learners and may constitute unlawful discrimination.
- 12.2** Any complaints of harassment and bullying will be treated extremely seriously and will be investigated as quickly as possible. In some instances, allegations of harassment or bullying may be dealt with informally. In others, and where the allegation is proven there may be grounds for disciplinary action including dismissal or termination of your training, employment or sub- contract.
- 12.3** Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another. It is not the intention of the alleged harasser that determines whether harassment has occurred, but whether the behaviour is unacceptable by normal standards and is unacceptable to the complainant.
- 12.4** All staff or learners who are experiencing harassment and/or bullying will be supported by the company Directors. An immediate process of conciliation will be put in place to see if further legal processes can be avoided.

13 Definition of Harassment

13.1 The following paragraphs provide definitions of Harassment, Sexual Harassment, Racial Harassment and Personal Harassment.

Harassment

13.1.1 Harassment can be defined as unwanted behaviour, which causes offence, discomfort or embarrassment. It can interfere with an individual's performance, or induce stress, anxiety, fear or sickness on the part of the harassed person.

13.1.2 This definition includes sexual and racial harassment as well as any other form of harassment arising from personal or social attributes such as disability, sexual orientation, socio-economic status, age, religion or it can be an explicit incident, which causes distress or repeated unacceptable behaviour.

Sexual Harassment

13.2.1 Sexual harassment is a form of sex discrimination and involves unwanted and unwelcome attention of a sexual nature. It occurs in a variety of situations, which share a common element, the inappropriate introduction of sexual comments or activities into training, learning, administrative or social situations.

13.2.2 Some examples of sexual harassment are:

- deliberate physical contact to which the individual has not consented or had the opportunity to object to.
- offensive or derogatory remarks alluding to a person's private life or sexual behaviour or orientation by innuendo, jokes or remarks.
- the display of suggestive or pornographic material;
- unwelcome repeated telephone calls, letters, text messages, emails and postings on social networking sites;
- criminal acts such as indecent exposure or sexual assaults;
- threats of academic or work failure or promise of success or other rewards in exchange for sexual favours.

13.2.3 The following actions are specifically an offence in law of sexual harassment:

- The behaviour was unwanted.
- It was done on the grounds of your sex. This may require you to show that a person of the opposite sex would not have been treated in that way; or
- The conduct was of a sexual nature.
- The harasser intended to violate your dignity, or to create an intimidating, hostile, degrading, humiliating or offensive environment for you; or
- The conduct had the effect of violating your dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for you. You must show that, having regard to all the circumstances, including in particular your own perception, the conduct should reasonably be considered as having such an effect.
- In cases involving harassment related to gender reassignment, you need to show your gender reassignment is the reason for the treatment received or that the conduct was of a sexual nature.
- Specifically because of the confidential nature of any complaint under these regulations, persons who have been affronted by unacceptable sexual conduct should contact a company Director who will provide confidential protection of the complaint while it is under investigation and thereafter wherever possible.

13.3 Racial Harassment

13.3.1 Racial harassment is a form of race discrimination. It may be defined as a hostile or offensive act or expression by a person or group of one racial or ethnic origin against a person or group of another, or incitement to commit such an act on racial grounds.

13.3.2 Some examples of racial harassment are: -

- verbal abuse and threats of physical attack;
- victimisation or ostracism of a person because of her/his race;
- racist graffiti;
- ridicule of an individual for skin colour for cultural difference such as appearance, dress, diet, religion, ethnic or national background or origin.
- abuse and/or ridicule by telephone calls, letters, text messages, emails and postings on social

13.4 Personal Harassment

13.4.1 Personal Harassment constitutes the inappropriate introduction of comments or activities into training, learning, living or working environments concerning an individual's disability, age, socio-economic group, sexual orientation, religion or any other form of personal victimisation.

13.4.2 These forms of harassment can cause misery and may include: insults based on the grounds of personal appearance, abusive language, personal circumstances, using a person's known disability to demoralise them, teasing or pranks about age, sexual orientation, cultural differences, religion, socio-economic status, etc.

13.4.3 Case law deriving from the Protection from Harassment Act has caused a legal amendment in 2006 making managers liable for preventing untoward actions which do not necessarily affect physical or mental health and which have occurred in the last six years. It is emphasised therefore that any type of bullying will be considered as harassment and disciplinary action will be taken against culpable individuals.

14 Definition of Bullying

14.1 Bullying is persistent, offensive, malicious, intimidating, insulting or humiliating behaviour, often associated with the misuse of power or position, which aims to undermine the confidence and self-esteem of the recipient.

14.2 Some examples of bullying are:

- setting arbitrary or unachievable workloads in an unreasonable manner;
- public reprimand, ridicule, sarcasm or humiliation;
- verbal and/or physical intimidation;
- persistent criticism which is unfounded or ostracism
- unwelcome repeated telephone calls, letters, text messages, emails and postings on social networking sites;

- 14.3** Legitimate activities associated with delegating work or getting a job done will not in themselves constitute bullying, provided that they are carried out in a way that respects others and are justified by the working/learning relationship.

15 Monitoring and Assessment of Effectiveness

- 15.1** The company will collect, analyse and assess relevant data, in order to measure performance and effectiveness and consider how improvements could be made through the setting of targets or other action. The company is committed to effective action to eliminate all forms of unlawful discrimination.
- 15.2** Candidate applicants will be monitored at all stages of the process, from applications to outcomes and, whilst they are Learners with the company, their achievements and progress.
- 15.3** The monitoring of staff will cover all activities that relate to staff recruitment and selection, career development and opportunities for progression.
- 15.4** Monitoring information will be regularly assessed by Senior Management Team to evaluate the progress that the company is making towards meeting its objectives. These assessments will assist the company to:
- Welcome and encourage diversity,
 - Identify and eliminate barriers to diversity,
 - Consider why differences exist,
 - Take advantage of the positive action provisions of the relevant equality legislation where necessary and appropriate,
 - Decide what more can be done realistically to improve the progression of learners and to improve the recruitment and progression of staff,
 - Reconsider the objectives in our strategic plans.

16 Publishing Arrangements

- 16.1** The company will:
- Publicise and promote the policy through the company's Team meetings, the company's website and z:drive, the Learner Induction Module, and articles in the company's newsletters,
 - Make a copy of the policy available to current and new staff and all learners.
 - Make learners aware of this policy when they join a learning programme with the company.
 - Make new staff aware of this policy as part of the induction process.

17 Equality Act 2010

17.1 Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

17.2 The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

17.3 The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

18 Contacts

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