

Quality Procedures and Policies	CEN-008	Issue Number	12
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Equality, Diversity and Inclusion		Originator	Peter Hurlstone
		Amended by	Peter Hurlstone
		Approved by	Peter Hurlstone

## 1. Introduction

### Commitment

SETA is committed to providing a supportive and inclusive culture in both employment and service delivery, free of discrimination for our:

- *Apprentices*
- *Staff*
- *Commercial customers*
- *Stakeholders and partners*
- *Contractors and other such visitors to our site*

We recognise the positive value of diversity, promoting equality and fairness, and challenging discrimination; we will educate and empower our staff and apprentices to adhere to these principles to ensure everyone takes responsibility for creating an inclusive culture. We promise to take a zero-tolerance approach to discrimination, will investigate complaints thoroughly and support victims to the fullest extent.

We welcome our legal duties not to discriminate as a service provider and an employer, and will comply with all current and relevant legislation. However, we aim to go beyond the narrow scope of legislative compliance and follow best practice, making equality, fairness and diversity a fundamental part of all our activities and culture of our organisation.

We recognise people with different backgrounds, skills, attitudes and experiences bring fresh ideas and perspectives, and we wish to encourage and harness these differences to make our organisation more relevant, approachable and *the* best practice training provider in our area.

### Discriminatory Behaviour

SETA will not discriminate or tolerate discriminatory behaviour on the grounds of race, colour, sex, gender identity (transgender), disability, nationality, national or ethnic origin, religion or belief, marital/partnership or family status, caring responsibilities, sexual orientation, age, social class, educational background, employment status, working pattern, trade union membership or any other factor.

## 2. Scope

This policy relates to all aspects of work undertaken by SETA including employment, recruitment and selection, meeting learners' needs, public events, all other aspects of service delivery, dealing with suppliers, supporters and other associated third parties.

## 3. Legal Obligations

### The Equality Act 2010

In valuing diversity, SETA is committed to going beyond the legal minimum regarding equality. The Equality Act 2010 harmonises, strengthens and replaces most previous equality legislation and SETA will ensure that all the legislated protected characteristics are adhered to. These are: *age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, faith, religion or belief (Please see section 5 for further details), sex and sexual orientation.*

### Relevant Legislation

The following legislation is also still relevant:

- *The Human Rights Act 1998*
- *The Work and Families Act 2006*
- *Employment Equal Treatment Framework Directive 2000 (as amended)*

### Gender Recognition

The Gender Recognition Act 2004 gives transsexual people full recognition in their acquired sex in law for all purposes. A person's transgender status cannot lawfully be disclosed without her/his consent. Information about transgender status is sensitive data within the meaning of the Data Protection Act 1998 and therefore can be processed only in limited circumstances. This applies to employment records.

## **4. Meeting Learners' Needs**

### Commitment

We are committed to treating all learners equally and fairly and to not discriminating unlawfully against them. We will ensure that learners:

- *Are able to access their courses in ways that suit them*
- *Have their needs listened to, and met whenever possible*
- *Are given learning support that is relevant to their needs*
- *Are treated fairly, with dignity and respect, and without discrimination*

### SETA Delivered Qualifications

#### Entry Requirements

SETA will not discriminate against any individuals that are registered on Apprenticeship Standards, bespoke SETA qualifications or courses, or those regulated by awarding bodies and awarding organisations. However, some qualifications have age restrictions or entry requirements (listed prior qualifications for example), to which SETA will abide by. Where age is not specified, it may not be possible to put a learner on a qualification where there is a legal requirement of the process or the environment stating otherwise.

#### 'English for Speakers of Other Languages' (ESOL)

Learners may find it difficult to learn due to a language barrier. Most UK regulated Qualifications should be completed in the English Language, and SETA recognises that ESOL Learners must be able to understand the correct technical words and their meaning, along with the context in which they should be used.

SETA understands that non-English speakers will not necessarily be suitable to complete UK Qualifications as they may have difficulty communicating with SETA staff such as Tutors, Assessors and Internal Quality Assurers. They may not be able to understand the difference between such words as 'describe', 'explain' and 'state', or the correct technical words and their meaning or terminology, along with the context in which they should be used. It is however possible that some non-English speakers may be suitable for qualifications where they can understand a limited amount of English.

Some awarding bodies and awarding organisations permit the use of a Qualification being assessed in another language, providing that:

- *Proficiency in English is not required for the role*
- *A learner assessed in a different language has met the same requirements as those learners assessed in English*
- *That the language of the assessment is clearly identifiable on the certificate*

SETA will consider all applications for training on qualifications for those with a language barrier and decide what action to take such as:

- *Whether to make use of professional interpreters to ensure what is being said/written is fully understood*
- *Conduct an interview before entering in to a contract with SETA after application to ensure that they are suitable and able to complete the qualifications, and will not be put at a disadvantage*
- *Whether the awarding body or awarding organisation permits it*

Each occasion would be individually assessed on a case-by-case basis.

#### *Reasonable Adjustments and Special Arrangements and Considerations*

All qualifications have provision for 'reasonable adjustments' and/or 'special arrangements and considerations'. This allows SETA to alter an assessment or examination against a set of criteria for learners that may have a learning disability or difficulty such as:

- *Dyslexia*
- *Dyscalculia*
- *Dysgraphia*
- *Autism Spectrum Disorder*
- *Asperger's Syndrome*

#### Reasonable Adjustments

Once we have identified learners' individual needs, SETA is committed to meeting them by making reasonable adjustments as we aim to ensure that the services we provide are accessible to all. We will take into account, in particular, the needs of learners with a disability (including mental health problems), neurodiversity condition and learners who are unable to communicate effectively in English, including those who are deaf, who use BSL and who are hearing impaired. Interventions can include (but are not exclusive to this list):

- *Different coloured paper*
- *Large print*
- *Extra time for assignments and exams*
- *Readers*
- *Scribes*
- *Bilingual translation dictionaries*
- *Ensuring diverse delivery methods to account for varied learning styles*

### **5. Faiths, Religion and Beliefs**

SETA understands that individuals have different cultures and religious faiths or beliefs, and recognise that some individuals may need the use of a quiet and private area or room to conduct prayer, or other rituals as described by their beliefs.

SETA has a private room that can be used for this type of activity known as the 'Pastoral Support' room, located in the front of the building in SETA's First Avenue building. An individual can make arrangements with the Pastoral Support team to use this room at agreed times of the day, where the following protocols will be set in motion:

- *The Pastoral Support team will vacate the room for the duration of the required use and remain outside until the individual has finished*
- *A 'do not disturb' sign will be put on the entry door*
- *The room is only accessible by staff via an electronic entry system to maintain security*
- *There is no visibility in to the room to satisfy privacy*
- *All telephones in the room will be switched to 'do not disturb' mode to aid silence in the room*
- *All cupboards and drawers belonging to the Pastoral Support team will remain locked for security reasons*
- *The Designated Safeguard Lead (DSL) will take the Safeguarding phone out of the room in case it is required whilst the room is occupied*

- *Any staff member involved in the Teaching and/or Assessment of the individual will be informed of the times required for information purposes only by the Pastoral Support team*

The Pastoral Support Services team will work with any individual of any faith requiring the need to conduct prayer, or other rituals as described by their beliefs.

## **6. Implementing the Policy**

### Trustees and Chief Executive Officer

The Trustees and Chief Executive Officer of SETA are responsible for implementing this Equality, Diversity and Inclusion Policy.

### Support

They will be supported by the Centre Compliance Manager.

### Responsibilities

All staff, managers and trustees will be given a copy of an equality and diversity policy as part of their induction. The following points must be followed:

1. *All staff at all levels of the organisation staff are expected to have read and understood this policy, to ensure they behave in accordance with its principles and requirements, to encourage the same level of behaviour in colleagues and to immediately report any breaches witnessed, whenever it is reasonable for them to do so*
2. *All managers are responsible for promoting this policy and ensuring it is understood and complied with by all staff in their area, dealing with breaches and complaints (whether reported or not) seriously, speedily, sensitively and confidentially and contributing ideas for the advancement of diversity principles within the organisation. Managers are expected to be proactive in identifying circumstances in which elements of the policy can benefit individual members of staff, and encourage and support staff in making use of such benefits*

### Conduct and General Standards of Behaviour

All staff are expected to conduct themselves in a professional and considerate manner at all times. SETA will not tolerate behaviour such as:

- *Making threats*
- *Physical violence*
- *Shouting*
- *Swearing at others*
- *Persistent rudeness*
- *Demaneing others*
- *Isolating, ignoring or refusing to work with certain people*
- *Telling offensive jokes or name calling*
- *Displaying offensive material such as pornography or sexist/racist cartoons, or the distribution of such material via email/text message or any other format*
- *Any other forms of harassment or victimisation*

The items on the above list of unacceptable behaviours are considered to be disciplinary offences within SETA and can lead to disciplinary action being taken.

For more details about disciplinary and grievance matters and our model policy, please refer to SETA's Grievances and Disciplinary policies (**Please See CEN-014 – Grievances, LER-004 - Learner Disciplinarys and STF-008 - Conditions of Employment and Induction' Annex C, 'Disciplinary Policy and Procedure' and 'Grievance'**).

SETA encourages staff to resolve misunderstandings and problems informally wherever possible, depending on the circumstances. However, whether dealt with informally or formally, it is important for staff who may have caused offence to understand that it is no defence to say that they did not intend to do so, or to blame individuals for being oversensitive. It is the impact of behaviour, rather than the intent, that counts, and that should shape the solution found both to the immediate problem and to prevent further similar problems in the future.

#### Complaints of Discrimination

SETA will treat seriously all complaints of unlawful discrimination on any forbidden grounds made by employees, learners or other third parties and will act where appropriate. All complaints will be investigated in accordance with the organisation's grievance, complaints or disciplinary procedure as appropriate and the complainant will be informed of the outcome in line with these procedures. We will also monitor the number and outcomes of complaints of discrimination made by staff, learners and other third parties.

Complaints of discrimination should be reported to the Designated Safeguard Leads (DSL).

#### **7. Breach of Policy**

Any breach of this policy will be taken very seriously. Breaches could include (but are not limited to) any of the conduct outlined in **Section 6**.

For SETA staff, breach of this ED&I Policy constitutes serious misconduct and, as such, is subject to instant dismissal without warning, as stated in our company Disciplinary Procedure.

Learners who breach this policy will receive a written warning. This warning will be copied to their employer, with the recommendation that the employer's disciplinary procedures be followed and held in their personal file.

Visitors to SETA who breach our policy will, in the first instance, be informed that their behaviour is unacceptable under our policy. In extreme cases, a visitor may be asked to leave the premises, and a written notification will be issued to their employer.

#### **8. Monitoring**

SETA will monitor and record diversity information about staff (including trustees) and learners, on the basis of age, gender, ethnicity and disability. SETA recognises this as 'Special Category Data' in the interests of GDPR and the Data Protection Act 2018.

Where it is possible to do so, and where doing so will not cause offence or discomfort to those whom it is intended to protect, we will monitor the sexual orientation and religion or belief of staff and learners to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them.

We will store diversity monitoring data in confidential personal data and restrict access to this information. Diversity monitoring information will be used exclusively for the purposes of diversity monitoring and will have no bearing on opportunities or benefits.

At least once a year, we will monitor all elements of:

- *Recruitment and selection processes (including profiles of successful and unsuccessful job applicants)*
- *Promotion and transfer*
- *Training*
- *Terms and conditions of employment*
- *Take up of benefits (e.g. flexible working requests)*
- *Grievance and disciplinary procedures*
- *Resignations, redundancies and dismissals*

## 9. SETA Employment

### What this Section Covers

This section applies to employees, workers and contractors.

The Company values and actively strives to have a diverse and inclusive workforce in a working environment free from discrimination. An inclusive work culture where people of different backgrounds are valued equally will ensure better outcomes for us all. We continually engage with our staff as well as external partners to help us to understand how we can make our workplace more inclusive and gain an insight into what our staff need most from us.

The Company will seek to promote the principles of equality, diversity and inclusion in all its dealings with employees, workers, job applicants, clients, customers, suppliers, contractors, recruitment agencies and the public.

Everyone who acts on the Company's behalf are required to adhere to this policy when undertaking their duties or when representing the Company in any other guise.

### Entitlements and Responsibilities

#### *Unlawful discrimination*

Unlawful discrimination of any kind in the working environment will not be tolerated and the Company will take all necessary action to prevent its occurrence.

Specifically, the Company aims to ensure that no employee, worker or job applicant is subject to unlawful discrimination, either directly or indirectly, on the grounds of gender, gender reassignment, race (including colour, nationality, caste and ethnic origin), disability, sexual orientation, marital status, part-time status, pregnancy or maternity, age, religion or belief, political belief or affiliation or trade union membership. This commitment applies to all aspects of employment, including:

- *Recruitment and selection, including advertisements, job descriptions, interview and selection procedures*
- *Training*
- *Promotion and career-development opportunities*
- *Terms and conditions of employment, and access to employment-related benefits and facilities*
- *Grievance handling and the application of disciplinary procedures*
- *Selection for redundancy*

Equality, diversity and inclusion practice is developing constantly as social attitudes and legislation change. The Company will review all policies and implement necessary changes where these could improve equality of opportunity.

#### *Inclusion*

Everyone within the Company must fully understand and comprehend how this policy will affect them, and they must abide by the following when carrying out their duties. When working for or representing the Company you must:

- *Ensure that you are always presenting the best of yourself at work and in supporting your colleagues so that we encourage an engaged, welcoming and committed workplace which realises the potential of all involved*
- *Understand the policies surrounding Equality, Diversity and Inclusion in the capacity of your role and how they affect not only you but your fellow colleagues*
- *Be receptive and open to differences and where appropriate challenge your own thinking to ensure you do not fall foul of making assumptions about colleagues and/or clients who may be different to you*

- *Understand the full breadth of the negative impact discrimination of any kind can have on the Company, our clients and your colleagues*
- *Follow the appropriate channels to challenge behaviours that are not inclusive*
- *Ensure that the Company's Equality, Diversity and Inclusion Policy is at the forefront of your mind when dealing with clients to respect their differences so that you represent the Company in the correct light*

#### *Managers*

In addition, managers must:

- *Establish inclusive values throughout your team to ensure differences are being valued and inappropriate behaviour is being challenged swiftly*
- *Take appropriate action where there is a clear breach of the Company's Equality, Diversity and Inclusion Policy to discourage such behaviour and supply relevant training to encourage correct behaviours*
- *Be a clear role model to the team you manage to demonstrate your own actions and behaviours are in line with those of the Company's inclusion commitment*
- *Consider all steps to ensure inclusion is prevalent within every stage from induction to exiting, ensuring that all decisions taken are based completely on merit and that clear opportunities to develop skills and potential is available to all*

#### *Career development*

While positive measures may be taken to encourage under-represented groups to apply for employment opportunities, recruitment or promotion to all jobs will be based solely on merit.

Everyone will have equal access to training and other career-development opportunities appropriate to their experience and abilities.

However, the Company will take appropriate positive action measures (as permitted by equal opportunities legislation) to provide specialist training and support for groups that are under-represented in the workforce and encourage them to take up training and career-development opportunities.

#### Procedure

##### *Complaints of discrimination*

Everyone is responsible for the promotion and advancement of this policy. Behaviour, action or words that breach the policy will not be tolerated and could be deemed an act of discrimination.

SETA will treat seriously all complaints of discrimination made by employees, clients, customers, suppliers, contractors or other third parties and will act where appropriate.

If you believe that you have been discriminated against, you are encouraged to raise the matter as soon as possible with a DSL. Staff, however, should refer to the SETA's Grievance Procedure as outlined in the Employee Handbook.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you make an allegation of discrimination, the Company is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Company's Disciplinary Procedures (or other such appropriate measures where the Disciplinary Procedure does not apply).

##### *Investigating accusations of unlawful discrimination*

If you are accused of unlawful discrimination, the Company will investigate the matter fully.



During the course of the investigation, you will be given the opportunity to respond to the allegation and provide an explanation of your actions.

If the investigation concludes that the claim is false or malicious, the complainant may be subject to disciplinary action.

If the investigation concludes that your actions amount to unlawful discrimination, you will be subject to disciplinary action, up to and including dismissal without notice for gross misconduct.

#### *Monitoring*

The Company may carry out monitoring for the purposes of measuring the effectiveness of its Equality, Diversity and Inclusion Policy.

### **10. Useful Contacts**

Tracy Simper

Pastoral Support Services/DSL

E-mail: [tsimper@seta-training.co.uk](mailto:tsimper@seta-training.co.uk)

Peter Hurlstone

Centre Compliance Manager/DSL

E-mail: [phurlstone@seta-training.co.uk](mailto:phurlstone@seta-training.co.uk)

### **11. Review**

This policy will be reviewed by the Centre Compliance Manager not less than once a year or more regularly if we identify any non-compliance or problem, or in the light of emerging legislation or best practice that could impact on this policy. A report of the findings of the review, based on the data and other information collected and evaluated, will be presented to the Chief Executive Officer annually, and appropriate action taken.