

EQUALITY AND DIVERSITY POLICY

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Equality and Diversity Policy

1. Introduction

1.1 Building Futures East is committed to the active pursuit of an Equality and Diversity Policy which addresses the need and right of everyone to be treated with respect and dignity, in an environment in which a diversity of backgrounds and experience is valued.

1.2 This Equality and Diversity Policy has been developed as a commitment by the Board of Directors of Building Futures East, its senior management and its members of staff to the development, implementation and application of procedures which do not discriminate and which provide genuine equality of opportunity for all, encouraging diversity amongst our workforce and promoting inclusion for our customers.

1.3 We are committed to making a difference by promoting equal opportunities and equal access to learning, services and information.

1.4 We are passionate about delivering services that have a positive impact on the excluded, disadvantaged and marginalised.

1.5 We value the creativity that comes from employing a diverse mix of people, from different backgrounds, with differing perspectives, talents, ideas and skills.

1.6 We want to challenge conventional thinking and remove barriers that can exclude people from participation and achieving their potential.

1.7 We want to develop and empower our employees and customers to make a difference in their communities.

2. Purpose

2.1 The purpose of this policy is to ensure a common procedure will be followed in respect of equality of opportunity in employment and service delivery within Building Futures East.

2.2 The success of this policy in ensuring that all are treated on an equal basis is dependent upon securing the co-operation and support of everyone at all levels in Building Futures East.

3. Policy Statement

3.1 Building Futures East recognises the dignity and worth of every individual and promotes equality of opportunity for all.

3.2 Building Futures East supports equality of opportunity and is committed to oppose all forms of unlawful or unfair discrimination on the grounds of the **protected characteristics** below:

- age
- disability
- gender reassignment
- marriage and civil partnership

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- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

3.3 Building Futures East is committed to providing an environment free of harassment and bullying ensuring equality of treatment to all staff and learners.

3.4 All individuals will be treated fairly and equitably and decisions on recruitment, selection, training, promotion and career management will be based solely on individual ability, effective performance and the needs of Building Futures East.

3.5 The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat visitors, learners, suppliers and former staff members.

3.5 Building Futures East as an equal opportunity employer and service provider appreciates people as individuals, whose differences are recognised and accepted.

4. Applicability

4.1 The policy applies to all potential and existing employees, learners, contractors and partners of Building Futures East.

4.2 This policy applies to all activities and procedures undertaken and adopted by Building Futures East, to ensure equality of opportunity for all.

5. Roles and responsibilities

5.1 Legal Responsibilities

As an organisation, Building Futures East will fulfil the provisions and requirements of the current legislation, which applies to the field of equality.

Please see Appendix 1 for relevant UK Acts.

5.2 Overall responsibility

5.2.1 Building Futures East's Chief Executive accepts particular responsibility for ensuring full commitment to the promotion and implementation of equalities across all parts of Building Futures East services and by all employees within its service.

5.2.2 The Chief Executive is also responsible for ensuring implementation of equalities initiatives.

5.3 Management

5.3.1 Managers are responsible for ensuring that their employees are aware of the requirements of the Equality and Diversity Policy and associated policies and that they act in accordance with them. They are responsible for providing the necessary support and guidance to do so.

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5.3.2 Managers must also ensure all employees within their teams are treated fairly, recognising the diversity of the workforce and respecting different cultures.

5.4 Tutors

5.4.1 Tutors are responsible for ensuring that Building Futures East Learners develop appropriate equalities skills and knowledge which will enable them to work and live in an environment free from discrimination as well as ensuring learners comply with Building Futures East Equal Opportunities Policy.

5.4.2 Tutors are responsible for making learners aware of their rights and responsibilities and appropriate action to take in cases of perceived unfair treatment, discrimination, harassment or bullying.

5.4.3 Tutors must ensure all schemes of work, lesson content and teaching resources promote equality of opportunity.

5.4.4 They must also ensure all learners are treated fairly, recognising the diversity and respecting different cultures.

5.5 All Employees

5.5.1 All Employees have a responsibility to ensure that the principles of equal opportunities are applied in all aspects of their work, and that no actions are taken which could be held to be discriminatory.

5.5.2 Employees have the right not to be discriminated against and for their culture and identity to be respected and valued. Employees must challenge discriminatory or offensive behaviour and bring this to the attention of Building Futures East.

5.5.3 Employees should also undertake appropriate equalities training to enable them to support their colleagues and members of the public.

5.5.4 It is the responsibility of all employees to accept personal responsibility for the practical application of this policy. In order to eliminate discrimination and promote equality of opportunity the policy should be understood and supported by everyone.

6. Definitions

6.1 Discrimination

6.1.1 Discrimination in employment often occurs as a result of prejudice, misconception and stereotyping which hinders the proper consideration of an individual's talents, skills, abilities, potential and experience. The Equality Act (2010) outlines the following forms of unlawful 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). Harassment is also defined as direct discrimination (see harassment below).

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Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he or she has a particular protected characteristic when he or she does not, in fact, have that protected characteristic (although this does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although this does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

Indirect Discrimination is where there is a rule, a policy or a practice that applies to everyone but which particularly disadvantages people who share a particular protected characteristic. Indirect discrimination can only be justified and lawful if it can be shown that the rule, policy or practice is intended to meet a legitimate objective in a fair, balanced and reasonable way. If this can be shown it will be lawful.

Disability Discrimination. Under the Disability Discrimination Act 1995 (as amended 2005) discrimination against disabled people can take place in either of three ways:

- Occurs when an employer treats a disabled person less favourably than another employee for reasons that relate to his/her disability, and the employer cannot show that this treatment is justified.
- By failing to take reasonable steps to ensure that disabled people are not placed at a “substantial disadvantage” compared to other people, without justification. This is known as the reasonable adjustments duty.
- Victimisation is a special form of discrimination covered by the Act. It applies whether or not the person victimised is a disabled person.

6.2 Victimisation occurs when a person is subjected to a detriment, such as being denied a training opportunity or a promotion because he or she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so, or being about to do so.

6.3 Harassment is behaviour that is unwelcome, unwanted, unreciprocated and/or offensive to the recipient. It need not be the intention of the perpetrator, but it is the deed itself and the impact on the recipient that determines what constitutes harassment.

6.4 Third-party harassment occurs where a person is harassed and the harassment is related to a protected characteristic (although this does not cover harassment because of marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. 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.

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6.5 Bullying is a particular form of harassment involving a misuse of power to criticise, condemn, abuse, humiliate or otherwise undermine a person's (or group's) ability to the extent that they cannot perform their job/training properly or suffer stress as a result. It is the impact of the behaviour, not the motive or intention behind it which may constitute harassment. If the recipient finds it unwanted, unreasonable and offensive, then no matter what the intention of the initiator (e.g. "It was only a joke"), harassment will not be difficult to prove.

6.6 Disability According to the Equality Act (2010) a person has a disability if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on person's ability to carry out normal day-to-day activities (which would include things like using a telephone, reading a book or using public transport).

6.7 Age Discrimination This occurs when arbitrary age barriers are placed on jobs when advertisements are drafted, and when age is used to make decisions regarding recruitment, selection, promotion and training.

6.8 Rehabilitation of Offenders Act 1974 This concerns the use of information about "spent" convictions, to discriminate unfairly against a particular person, without justification where the job itself does not contain constraints. In many cases there is no need for prospective or current employees to declare 'spent' convictions. However, some jobs within the company, and jobs in some of the locations at which business is carried out require that 'spent' convictions are declared and considered as part of the recruitment checking process. Where this is the case managers need to handle such information sensitively and in confidence and consider it only in relation to its relevance to the post.

7. Implementation of the Policy

7.1 Recruitment and Selection (including promotion)

Building Futures East will:

7.1.1 Review Job Descriptions to ensure they do not contain any potentially discriminatory criteria that are not essential for the role.

7.1.2 Advertise vacancies so that they are likely to reach all potential applicants.

7.1.3 Encourage the participation of relevant staff in drafting suitably open advertisements.

7.1.4 Ensure that selection decisions are based on objective, non discriminatory, job related criteria, consistently applied to all candidates.

7.1.5 Ensure that applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with Head of Finance and Communication approval. For example:

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- (a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- (b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
- (c) Equal opportunities monitoring (which will not form part of the decision making process).

7.1.6 Ensure that applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants should not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of the Head of Finance and Communication (who should first consider whether such matters are relevant and may lawfully be taken into account).

7.1.5 Ensure that recruitment literature and advertisements make it clear that applications are welcome from all suitably qualified candidates and that they avoid stereotypical images.

7.1.6 Ensure that there is no direct or indirect discrimination in recruitment or employment because of any of the nine "protected characteristics" (Equality Act 2010). These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

7.1.7 Ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from Head of Finance and Communication or the UK Border Agency.

7.1.8 Advise any agencies, job centres, career offices etc. of our Equality and Diversity Policy and practices and ask them to convey these to potential applicants.

7.1.9 Invite applicants to identify any special arrangements they may need at interview.

7.1.10 Ensure that all those involved in recruitment and selection have had appropriate training in recruitment interviewing, diversity and equal opportunities.

7.1.11 Ensure that selection decisions for any post are taken by more than one person.

7.1.12 Ensure that selection criteria and reasons for the selection or rejection of individual candidates are recorded.

7.1.13 Opportunities for promotion and training are communicated and made available to all employees on a fair and equal basis.

7.1.14 Ensure that decisions in relation to promotion opportunities including temporary promotion are non-exclusive and that extended use of temporary

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promotion is discouraged where it will give one individual an unfair advantage over others.

7.1.15 Monitor the results of recruitment processes with particular regard for decisions which appear to be inconsistent.

7.2 Training & Development

Building Futures East will:

7.2.1 Ensure equal opportunity of access to, and benefit from, all forms of training and development activity.

7.2.2 Train all those in delivering training and development across Building Futures East in equal opportunities and diversity issues.

7.2.3 Ensure that all staff receive induction training which covers their rights and responsibilities under the Equality and Diversity Policy.

7.2.4 Ensure that all staff are encouraged to discuss their career prospects and training needs with their manager at least annually.

7.3 Terms and Conditions of Employment

Building Futures East will:

7.3.1 Ensure that all of our employment policies, including compensation and benefits, and any other relevant procedures associated with terms and conditions of employment, are formulated and applied without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. These will be reviewed regularly to ensure there is no discrimination.

7.3.2 Provide flexibilities to accommodate the needs of staff on flexible working patterns.

7.3.3 Provide flexibilities to accommodate cultural or religious needs of staff.

7.3.4 Provide flexibilities to accommodate any special arrangements e.g. wheelchair access, signing etc.

7.4 Post-Employment

7.4.1 Building Futures East is committed to ensuring that former members of staff are not discriminated against or subjected to harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation where this arises out of and is closely connected to the employment relationship, for example, in the provision of a reference.

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7.5 Services

7.5.1 Building Futures East is committed to communicate to its staff that the Equality Act 2010 makes it unlawful for staff to discriminate directly or indirectly, or harass customers or clients because of the protected characteristics of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of services.

7.5.2 As a matter of good practice Building Futures East is committed to communicate to its staff that direct or indirect discrimination, or harassment of customers or clients because of age will not be tolerated.

7.5.3 We are committed to ensuring our services are fair, responsive and accessible to all.

7.5.4 We ensure our customers are aware of our services and we deliver our services in ways that match our customers' needs.

7.5.5 We ensure that our offices and buildings are accessible for employees and customers.

7.5.6 We consult with and involve our customers and communities in the development of services as appropriate.

7.5.7 Working with our partners, we will ensure they comply with equality legislation and provide appropriate accessible services to our customers.

7.6 Disability

7.6.1 Building Futures East is committed to addressing discrimination against disabled people and to promoting their inclusion in public life. We recognise that disabled people, including those with specific learning differences and mental health issues, are disabled not through their own individual impairments or relative ability, but through common social attitudes and physical and attitudinal barriers which result in marginalisation and lack of access to full human rights, and we aspire to address this by consciously identifying and removing such barriers and making reasonable adjustments.

7.7 Bullying or Harassment

7.7.1 Any conduct relating to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation or any other personal characteristic which is unreasonable or offensive to the recipient or affects her/his personal dignity will not be tolerated.

7.7.2 Building Futures East will make it clear that it is against our policy for any employee, male or female, to sexually harass another employee or to harass or bully him or her on the grounds of actual or perceived sexual orientation. It is also against Building Futures East policy for any employee to harass or bully another employee on the grounds of his or her age, disability, gender reassignment, marriage and civil

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partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8 Records

8.1 All Equality & Diversity related documentation pertaining to staff and learners activity will be retained by the Head of Finance and Communication.

8.2 Information provided by existing and potential learners or members of staff for monitoring purposes will be used only for this reason and will be dealt with in accordance with the Data Protection Act 1998.

9 Monitoring

9.1 The Equality and Diversity Policy will be monitored by the Quality Coordinator, who may be contacted on 01912632752.

9.2 Building Futures East acknowledges the importance of monitoring its Equality and Diversity Policy to ensure that it is effective. Monitoring will be used to protect the interests of applicants, employees and learners and to ensure fair treatment.

9.3 This will involve the collection and classification of information regarding the applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Such information will be solely for the purpose of monitoring Building Futures East Equality and Diversity Policy. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before short-listing, and kept in an anonymous format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

9.4 If it appears that any applicants, employees or learners are not receiving fair treatment, the circumstances will be investigated and appropriate action taken.

9.5 Monitoring should be used to identify any barriers to successful implementation of the policy and enable remedial action to be taken to overcome them.

10 Breaches of the Policy

10.1 This Policy is Building Futures East's statement of its own objectives and expectations on Equality and Diversity. The Policy will be most effectively implemented by gaining the understanding and the commitment of all the people involved in carrying it out. It will therefore be promoted and supported by every available means, in particular through training, consultation, and the adoption of mainstreaming procedures which are effective and efficient and equality and diversity-based.

10.2 There will be occasions when Building Futures East will have to take action to correct behaviour and reinforce its expectations of its employees in supporting the Policy. To discriminate, harass or victimise, or knowingly aid anyone else to do so, may be regarded as gross misconduct and may result in disciplinary action.

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10.3 If a learner/visitor or contractor does not comply with the terms of this policy, then the appropriate employee responsible for the learner, visitor or contractor while they are on Building Futures East premises should be notified and, if necessary the visitor or contractor asked to leave the premises in the case of non-compliance.

11 Appeals Process

11.1 Any member of staff who considers he or she has been treated in a manner contrary to this policy should raise this in the first instance with their line manager.

11.2 Allegations regarding a potential breach of this Policy will be treated in confidence and investigated in accordance with the Grievance and Disciplinary Procedures. Individuals who make such allegations in good faith will not be victimised or treated less favourably as a result.

11.3 False allegations of a breach in this Policy which are found to have been made in bad faith will, however, be dealt with under the appropriate disciplinary procedures.

11.4 All individuals will be personally accountable for their behaviour, actions and/or lack of actions, in cases of a complaint of harassment.

12 Policy Development and Consultation

12.1 This policy has been drawn up in full consultation with staff, management and the Board of Directors.

13 Communication and Review

13.1 Building Futures East aims to ensure all employees and learners will be made aware of this Policy and a copy of the Policy will be included in the Employee Handbook, Learner Handbook, on Building Futures East's website and given to all learners and employees on joining us. An electronic copy is available on the BFE server with a hard copy kept in the Policies and Procedures file in the Admin Office.

13.2 Recommendations for change should be reported to Quality Coordinator or Head of Finance and Communication.

13.3 Building Futures East aims to review the Policy and its implementation on an annual basis or more frequently if significant changes to its effective operation are necessary.

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14 Document Review Record

Review/Amendment Details		Date	
Equality and Diversity Policy reviewed and revised: 1. Added purpose and statement of the policy 2. Added paragraph about applicability of the policy 3. Changed roles and responsibilities 4. Added policy development and consultation 5. Added communication and review 1. Made changes in accordance with Equality Act 2010.		15/10/2010	
Equality and Diversity Policy reviewed and revised: 1.2 to 1.7 information added 6.4 amend to wording 7.5.3 to 7.5.7 added		23/11/2011	
Prepared by:		Approved by:	
CH		AWW	

APPENDIX 1

RELEVANT UK LEGISLATION

The relevant legislation for the purpose of Equality and Diversity Policy is: -

- The Equality Act 2010
- The Employment Equality (Age) Regulations 2006
- The Race Relations (Amendment) Act 2000
- The Employment Equality (Religion or Belief) Regulations (2003)
- The Employment Equality (Sexual Orientation) Regulations (2003)
- The Employment Rights Act 1996
- The Gender Re-assignment Regulations 1999
- The Part-time Work Regulations 2000
- The Employment Act 2002