

Equality and Diversity Policy

2020-21

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| Approval Date: | 1 st November 2020 |
| Line Manager responsible: | Head of Education & Quality |
| Review Date: | 1 st November 2021 |
| Issue Date: | 1 st November 2020 |

General Statement

The company is committed to the advancement and promotion of equality and diversity for all of its learners, employees, and all other key stakeholders. Our ethos is to create and maintain conditions whereby learners and staff are treated solely on their own merits, abilities and potential, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (gender), and sexual orientation.

We will ensure that this commitment applies to all areas of its business including our collaborative partners and supply chain who deliver learning on behalf of the business, and in our procurement processes.

We will advance the equality and diversity agenda with other partners/suppliers and organisations working with us either via tender or provision of goods and services, so that appropriate legislation is fully complied with and effectively met.

We will actively promote a culture of celebrating diversity and will take all reasonable steps to prevent discrimination occurring. This includes promoting the importance of the Policy and what is expected of learners, employees and all other freelance associates of the business whilst they study or work within the company.

Aims

It is the aim of the company and this policy to ensure that, throughout their employment, all employees of the company are treated fairly and with dignity and respect. This policy interfaces with all relevant recruitment procedures with respect to job applicants, and TVS will make best endeavours to ensure that policies, procedures and practices always comply with current legislative requirements.

It is also the aim of the company and this policy to ensure that, throughout their learning journey, all learners on every learning programme are treated fairly and with dignity and respect and are provided with an equality of opportunity to achieve.

Equality is not about treating everyone the same, it is about ensuring that access to opportunities is available to all by taking account of differing needs and capabilities. Diversity is about recognising and valuing differences through inclusion, regardless of age, disability, gender, racial origin, religion, belief, sexual orientation, perspectives, opinions and personal values.

Definitions

The Equality Act 2010 makes it unlawful for employers to discriminate on the grounds of race, religion or belief, disability, gender or gender reassignment, age, sexual orientation, marriage or civil partnership, pregnancy or maternity; all of which are referred to as individuals or groups with 'protected characteristics'. TVS and this policy aim to protect all employees and all individuals who use its services, such as learners, in relation to the following aspects.

Discrimination: The Equality Act (2010) expands upon previous definitions of discrimination and circumstances in which this may arise as follows:

- a) **Direct Discrimination:** Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
- b) **Discrimination by Association:** It is direct discrimination if an employer treats an employee or service user less favourably because of their association with another person who has a protected characteristic.
- c) **Discrimination by Perception:** This is direct discrimination if an employer treats an employee or service user less favourably because the employer mistakenly thinks that the employee or service user has a protected characteristic.
- d) **Indirect Discrimination:** Indirect discrimination may occur when an employer applies an apparently neutral provision, criterion or practice which puts employees or service users sharing a protected characteristic at a particular disadvantage.

Harassment: The Equality Act (2010) defines harassment as *"unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual"*. It expands upon previous definitions of harassment and circumstances in which this may arise as follows:

- a) 'Harassment'. The expanded definition above enables staff or learners to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant protected characteristic themselves.
- b) 'Third Party Harassment'. The Equality Act makes TVS potentially liable for harassment of its staff or learners by people who are not TVS employees (third parties), such as learners, contractors, visitors, etc. This could arise when harassment has occurred and TVS has been made fully aware of this on previous occasions, but reasonable steps have not been taken to prevent it from happening again.
- c) 'Victimisation'. Victimisation occurs when an individual is treated unfairly or unreasonably because they have made or supported a complaint or raised a grievance under the Act; or because they are suspected of doing so. An individual is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Age: The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified i.e. if it can be demonstrated that it is

a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability: The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

As before, the Act puts a duty on an employer to make reasonable adjustments for employees or service users to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement that an employer has in place disadvantages people with the same disability. Unless this could be justified, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

Gender reassignment: The Act provides protection for individuals who propose to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be protected. It is discrimination to treat people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and Civil Partnership: The Act protects individuals who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and Maternity: A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. An employer must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

Race: For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.

Religion and Belief: In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words individuals are protected if they have no religion at all. Additionally, a religion need not be mainstream or well known to gain protection but must have a clear structure and belief system. Denominations or sects within a religion can be considered a protected religion or religious belief. Belief means any religious or philosophical belief or a lack of such belief. To be protected under the Act, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour, and not just an opinion. Discrimination because of

religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Gender: Applies to both men and women, and both are equally protected under the Act.

Sexual orientation: Sexual orientation is a protected characteristic. It means a person's sexual orientation towards:

- Persons of the same sex (homosexual, lesbian, gay)
- Persons of the opposite sex (heterosexual)
- Persons of either sex (bisexual)

Gender reassignment is a separate protected characteristic and unrelated to sexual orientation – despite a common misunderstanding that the two characteristics are related.

Complaints

All complaints of discrimination, harassment or bullying will be treated seriously and dealt with promptly, efficiently and where possible in confidence. The aim of the procedure is to resolve complaints of discrimination, harassment or bullying swiftly and confidentially.

Any employee or learner may use the complaints procedure if they believe they have:

- Been treated unfavourably in contravention of the Act and this Equality and Diversity Policy on the grounds of gender, pregnancy or maternity, trans-gender status, sexual orientation, marital, civil partnership or family status, race, religion, belief, political opinion, age or disability.
- Witnessed any form of discrimination.

Any employee or learner who believes they have been the victim of discriminatory treatment, or who has witnessed discrimination or harassment, may choose to take informal or formal action.

Informal action: Where possible the employee or learner should talk directly and informally to the person, they believe has discriminated against them and explain their objection to their actions or conduct. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable.

If the employee or learner feels unable to approach the person or if they have already done so without any resolution, they may elect to raise a formal complaint with the Head of Quality and the Safeguarding Lead in the business.

In the event of serious allegations, it may be necessary to consider whether to suspend the alleged perpetrator to prevent any further contact between parties until the matter can be fully dealt with. An investigation will be conducted and will be handled with due respect to the rights of the complainant and alleged perpetrator. Both parties will be interviewed separately where they will be provided with the opportunity to state their side of events and explain any conduct that forms the basis of the employee's or learner's complaint.

If following the investigation, the complaint is founded, suitable and proportionate action will be taken promptly to remedy the discrimination and prevent any recurrence.

The organisation regards all forms of discrimination as gross misconduct (except unintentional behaviour of a mild nature) and any employee or learner found guilty of this behaviour will be liable to proportionate disciplinary measures up to and including summary dismissal. Disciplinary measures will also be taken against any learner or employee who is found to have made a deliberately false or malicious complaint of discrimination.

Responsibilities

Overall responsibility for implementation and overseeing this policy rests with the Senior Partners. They are responsible for ensuring that TVS complies with equalities legislation and promotes equality of opportunity and diversity throughout the organisation.

Managers are responsible for developing an open and inclusive culture in which employees and learners feel able and encouraged to report any incidents of discrimination, harassment and bullying in the workplace. Managers are expected to actively support employees and learners making a complaint and ensure that any such allegations are fully and thoroughly investigated and dealt with appropriately.

Managers will be responsible for ensuring that awareness is raised with third parties that harassment will not be tolerated, and that complaints of discrimination and harassment will be investigated, and action taken against offenders found guilty of such as appropriate to protect employees and learners from further occurrences.

Managers will also be responsible for setting high standards for equality and diversity in the workplace and for ensuring that all employees and learners are aware of the requirements of this policy and that it is applied fairly, rigorously and consistently.

Every member of staff carries personal responsibility for their own behaviour at work and for ensuring that this policy is translated into practice in all areas of employment and service provision. All staff have a duty to report any incidents of discrimination, harassment or bullying that come to their attention, and to take part in any investigation into such allegations, to support TVS in the development of a culture in which employees and learners feel able and supported to report such concerns and have them fairly and robustly addressed.

TVS gives an assurance that there will be no victimisation against an employee or learner making a genuine complaint in good faith or against employees or learners who assist or support colleagues or peers in making such a complaint.

The contents of this policy will be communicated to all employees and learners during induction to their role or their qualification and thereafter at each subsequent policy review. Absolute compliance with this Equality and Diversity Policy is a condition of employment.

This policy is available, and will be communicated, to all interested parties, is agreed by the Board of Directors and will be reviewed at least annually.