



## Equality & Diversity Policy

The purpose of this policy is to bring together practices across both the organisation sites, relating to Equality and Diversity. To ensure that targets are monitored and recorded, inequalities in practice and procedures are addressed and eliminated to all staff to be treated fairly and for all learners to be given the opportunity to achieve their potential.

### **Our Commitment**

ACE Training is committed to achieving equality of opportunity for all staff and learners and will strive to provide an environment that is free from discrimination, harassment and victimisation. All employees and learners will be treated with respect and dignity, and the needs of minority and disadvantaged groups will be responded to with sensitivity, empathy and support.

Equality of opportunity means working to ensure that no student nor member of staff receives less favourable treatment on the grounds of race, gender, age, ethnic or national origin, disability, marital status, sexual orientation, care responsibility, political or religious belief.

### **The Employment Equality Acts updated 2011**

Outlaw discrimination in a wide range of employment and employment-related areas. These include

- Recruitment and promotion
- Equal pay
- Working conditions
- Training or experience
- Dismissal
- Harassment including sexual harassment.

The legislation defines discrimination as treating one person in a less favorable way than another person based on any of the following 9 grounds:

- **Gender:** this means man, woman or transsexual
- **Civil status:** includes single, married, separated, divorced, widowed people, civil partners and former civil partners
- **Family status:** this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- **Sexual orientation:** includes gay, lesbian, bisexual and heterosexual
- **Religion:** means religious belief, background, outlook or none
- **Age:** this does not apply to a person aged under 16
- **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- **Race:** includes race, skin colour, nationality or ethnic origin
- **Membership of the Traveler community.**

Discrimination is defined as less favorable treatment. An employee is said to be discriminated against if he/she is treated less favorably than another is, has been or would be treated in a comparable situation on any of the above 9 grounds.

To establish **direct discrimination**, a direct comparison must be made, for example, in the case of disability discrimination the comparison must be between a person who has a disability and another who has not, or between persons with different disabilities.

**Indirect discrimination** occurs when practices or policies that do not appear to discriminate against one group more than another actually have a discriminatory impact. It can also happen where a requirement that may appear non-discriminatory adversely affects a particular group or class of persons.

**Under the legislation** employers are obliged to make reasonable accommodations for **staff with disabilities**. This includes providing access to employment, enabling people with disabilities to participate in employment including promotion, and training.

**A Reasonable Accommodation** is any action that helps to alleviate a substantial disadvantage due to an impairment or medical condition. Reasonable accommodations are put in place to help reduce these barriers in order to provide equality of access and opportunity for all.

In a work context, reasonable accommodations are put in place to enable a qualified person with a disability to fully undertake the job tasks they are hired to do, without which they would potentially be restricted due to an impairment or medical condition.

The measures put in place must be reasonable and practical.

### **Equality and Diversity Legislation - Equality Act 2010.**

The new 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 will provide a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Equality Act 2010 consolidates and streamlines previous anti-discrimination legislation, introducing a consistent basic framework of protection against direct and indirect discrimination, harassment and victimisation in work, education, services and public functions. It also introduces some new measures and concepts that have implications for universities as employers and providers of education and services.

### **Equality Act 2010**

The Act will simplify, strengthen and harmonise the current legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

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

### **Protected Characteristics**

The protected characteristics under the Act are:

- **Disability** - a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.
- **Gender reassignment** - the process of transitioning from one gender to another
- **Marriage and Civil Partnership**
- **Pregnancy and Maternity** – pregnancy, the period of maternity leave or the 26 weeks after giving birth, and breastfeeding
- **Race** - race, colour, nationality (including citizenship), ethnic or national origins
- **Religion and Belief** - religious and philosophical beliefs, including lack of belief
- **Sex – sexual orientation**

### **What has changed through the Equality Act?**

Key Changes 01 October 2010

- Anti-discrimination rights and concepts have been harmonised – ironing out the anomalies between previous legislation
- Staff recruitment: the Act makes it unlawful for employers to ask job applicants questions about disability or health before making a job offer, except in specified circumstances
- Discrimination based on association or perception: the Act extends protection to people discriminated against because they are perceived to have, or are associated with someone who has a protected characteristic. E.g. people who are caring for a disabled child or relative will be protected by virtue of their association to that person

**Disability:** The Act extends protection from indirect discrimination to disability and introducing a new concept of “discrimination arising from disability”. The thresholds for the duty are harmonised to make reasonable adjustments for disabled people. The list of “capabilities” in the Disability Discrimination Act 1995 are removed, which may make it less burdensome for an individual to prove they are disabled

**Positive action:** The law is extended to allow positive action for students, as well as in relation to employment. This provides scope for universities to adopt voluntary measures to alleviate disadvantage experienced by people who share a protected characteristic, reduce under-representation and meet particular needs. Positive discrimination, however, remains illegal.

**Third party harassment:** The Act extends protection to workers who are harassed by third parties, such as students, customers or suppliers. The employer will become legally responsible if they know that such harassment has taken place twice before and has failed to take reasonable steps to protect the worker from further harassment.

**Pregnant women and mothers** Extended protection from discrimination. The Act makes clear that mothers can breastfeed their children in places like cafes and shops and not be asked to leave (as was already the law in Scotland).

**Gender reassignment:** Changed definition by removing the requirement for medical supervision.

**Private clubs:** protection is extended to cover more protected characteristics

### **Single Public Sector Equality Duty**

The Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations) came into force on 10 September 2011. The Regulations set out the specific public sector equality duties that certain public bodies must comply with. The aim of the specific duties is to help public bodies comply with the general duty to promote equality in the workplace contained in the Equality Act 2010, which has been in force since 5 April 2011.

**General equality duty:** The general single equality duty requires public bodies, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share or have different protected characteristics.

The duty explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **Direct Discrimination**

- Direct discrimination is when you treat a student/employee less favourably than you treat/would treat another student/employee because of a protected characteristic. This includes racial segregation.
- Direct discrimination is always unlawful, although there are some exceptions in relation to HE that allow for e.g. single sex institutions. The one exception is Age, for which different treatment can be justified if it is a proportionate means of meeting a legitimate aim. However, this would be a difficult test to meet.

**Discrimination based on association:** when you treat a student/employee less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity)

**Discrimination based on or perception:** when you treat a student/employee less favourably because you think they have a protected characteristic (other than pregnancy and maternity)

**Discrimination because of pregnancy and maternity:** when you treat a woman less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a child.

### **Exceptions:**

- It is not direct discrimination against a non-disabled student/employee to treat a disabled student/employee more favourably.
- It is not direct discrimination against a male student/employee to offer a female student or employee special treatment in connection with her pregnancy or childbirth.
- It is not unlawful to treat workers who are married or civil partners better than workers who are not married/civil partners, but those who are married and those who are civil partners must be treated the same.

### **Indirect discrimination**

Indirect discrimination occurs when these four conditions are met:

- You apply/would apply a provision, criteria or practice equally to all relevant students or employees. EHRC guidance gives as an example of a 'provision, criteria or practice' arrangements for deciding who to admit. It would also include the way that education, or access to any benefit, service or facility is offered or provided as well as one-off decisions.
- This puts/would put students/employees sharing a protected characteristic at a particular disadvantage compared with students/employees who do not share that characteristic
- The particular student or employee is disadvantaged
- You cannot show that the provision, criteria or practice is justified as a 'proportionate means of achieving a legitimate aim'. Legitimate aims might include maintaining academic and other standards or ensuring the health

and safety and welfare of students/employees. The financial cost of using a less discriminatory approach cannot, by itself, provide a justification, but can be taken into account if there are other good reasons for adopting the chosen practice. The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be. In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

### **Discrimination arising from disability**

This is when you treat a disabled student/employee unfavourably, i.e. put them at a disadvantage, because of something connected with their disability and cannot justify such treatment by showing that it is 'a proportionate means of achieving a legitimate aim'.

By acting quickly to identify and put in place reasonable adjustments for disabled students or employees, you can often avoid discrimination arising from disability.

### **Harassment**

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a protected characteristic.
- Sexual harassment.
- Less favourable treatment of a student/employee because they submit to or reject sexual harassment or harassment related to sex.

### **Victimisation**

Treating someone badly because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act) A 'protected act' is:

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

The duty to make reasonable adjustments operates slightly differently under the Equality Act, but the object is the same: to avoid as far as possible by reasonable means the disadvantage which a disabled student/employee experiences because of their disability. The duty requires you to take positive steps to ensure that disabled students (including applicants) can fully participate in the education and other benefits, facilities and services provided for students and that disabled employees or applicants have the same access to everything that is involved in getting and doing a job as non-disabled employees/applicants, as far as is reasonable.

The Act specifies three requirements of the duty to make reasonable adjustments that apply in situations where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled.

- Changing the way things are done (i.e. a provision, criterion or practice)
- Making changes to overcome barriers created by the physical features of your place of work or study
- Providing extra equipment (an 'auxiliary aid') or getting someone to do something to assist the disabled person (an 'auxiliary service')

**For students:** where a provision, criterion or practice places disabled students at a substantial disadvantage in accessing education and any benefit, facility or service, the HEI must take such steps as it is reasonable to take to ensure the provision, criterion or practice no longer has such an effect. This might mean waiving a criterion or abandoning a practice altogether but often will involve just an extension of the flexibility and individual approach that most further and higher education institutions already show to their students.

A competence standard is defined as an academic, medical or other standard applied by or on behalf of an education provider for the purpose of determining whether or not a person has a particular level of competence or ability. It is not a provision, criterion or practice and there is therefore no duty to make reasonable adjustments in relation to the application of a competence standard. However, the duty does apply to the process of demonstrating that a person meets the competence standard.

**For staff:** the need to make adjustments for an individual worker or job applicant:

- Must not be a reason not to appoint someone to a job or promote them if they are the best person for the job with the adjustments in place
- Must not be a reason to dismiss a worker
- Must be considered in relation to every aspect of a person's job
- Provided the adjustments are reasonable for you to make.

You are required to make adjustments that are reasonable, and what is reasonable depends, among other factors, on the size and nature of the organisation (i.e. the University of Edinburgh). Many of the adjustments you can make will not be particularly expensive.

Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments. You only have to make adjustments where you are aware – or should reasonably be aware – that a student/employee or applicant has a disability.

**In accordance with the Equality Act 2010, ACE Training encourages and supports 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.

It is ACE Training policy to provide equality for all, irrespective of:

- Age
- Gender, gender reassignment, transgender, sexual orientation, marital or family
- Disability or learning difficulty
- Ethnic origin, perceived 'race', skin colour, nationality or national origin
- Religion or belief, philosophical belief or no belief
- Working hours including part time workers
- Membership/non-membership of trade unions
- Family arrangements and civil partnerships
- Or any other cause leading to unfair discrimination

**The government agenda, as one of the E&D agenda's key drivers:**

The government has a number of key policies to address inequality. We are committed to working with our strategic partners to help deliver the government's agenda in the following areas:

**Social Inclusion and Cohesion, Community Development, Access and widening participation**

**The legal framework as one of the E&D agenda's key drivers:**

**Equality & Diversity Legal legislation – please see Annex A.**

Equality legislation has been extended recently to require greater efforts from public bodies to eliminate discrimination, promote equality of opportunity and good relations between individuals from different backgrounds. These are discussed in more detail in the Legislation section, and include:

- SENDA – the Special Educational Needs and Disability Act (2001)
- RRAA – the Race Relations Amendment Act (2000)
- Article 13 – European Directive
- Human Rights Act (2000)
- Sex Discrimination Act (1975)
- Part Time Workers – Code of Practice on Age
- Diversity in Employment

**Education and training of managers and staff**

**Personal Dignity**

It is an offence for any person to harass another person by unwanted conduct or to make them feel that their dignity has been offended or violated, or that there is an intimidating or hostile atmosphere for them, or to make them feel that they are being degraded or humiliated or being placed in an offensive environment.

## Human Rights

We believe in human rights for all those connected with this organisation and all members of society. No action shall be taken against them by any person connected with ACE which would devalue their contribution to society as a whole and to this organisation or lead to a loss of self-respect for them or respect for them from others.

We believe in order and social discipline both in society and in the organisation of work-based training. We hold the right to request a standard of dress appropriate with circumstance and safety at work.

The results of all initial assessments for learners and any tests for staff will always be given to them and always in surroundings that preserve individual confidentiality. Furthermore, we confirm that we will, if unable to help them specifically, refer them to other agencies or organisations so that a continuous pathway of help and advice is formed.

We will comply fully with the letter and intention of all laws and directives set out at the Annex to this policy. We are committed to the fulfilment of all agreements, regulations and Acts that may have implications for our role in vocational training.

## Harassment and Bullying

Harassment is an unacceptable form of behaviour. All staff and learners can consider themselves fully protected this policy at ACE or at workplaces or work placements or at any other place where work or training takes place. The policy applies to staff and learners connected with this organisation even when they are on off-duty time. The occurrence of harassment must be reported to, without fear or favour, even if there is a separate policy in place at learners' workplaces or work placements that requires the incident to be reported to a workplace manager or supervisor. Because learners are in receipt of government funding for their training they are to be separately protected by ACE at all times.

### What is Harassment?

It is any unacceptable or unwarranted behaviour that disrupts the quality of life or work of an individual. Although the examples set out below are not exclusive, they show types of unacceptable conduct that are completely against our policy:

*Successive or single acts of bullying*

- Verbal or physical abuse
- Ill-treatment
- Any offensive or oppressive act.
- Any defamatory remark.
- Causing a person to avoid or want to avoid any social, work, or training environment through
- poor behaviour towards them.
- Ill-advised comments or harassment about any persons sex, sexual orientation (including lesbian, male homosexual or transitional sexual status), religion or belief, race or ethnic origin, disability or age, marital status
- Any abuse of a position of authority by a staff member over a learner or to another staff member.
- Being under the influence of alcohol will be considered to aggravate the offence, and will not constitute an excuse for it.

### Sexual Harassment

Sexual harassment at work or in vocational training is now specifically defined in law. It is:

- Comments about the way you look which you find demeaning
- Indecent remarks
- Questions about your sex life
- Sexual demands by a member of your own or the opposite sex
- Any conduct of a sexual nature which creates an intimidating, hostile or humiliating working environment for you; this includes displays of pornography and Internet downloading of offensive material at work or vocational training.

Harassment of a sexual nature should be complained about using our **separate private procedure**.

To ensure that all staff and learners understand the limits of conduct, the following actions could constitute sexual harassment:

- **Physical Conduct of a Sexual Nature:** Unwanted and repeated physical contact including unnecessary touching, patting, pinching, brushing against another employee's body, assault or coercing sexual intercourse.
- **Verbal Conduct of a Sexual Nature:** Unwanted sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments.
- **Non-verbal Conduct of a Sexual Nature:** The display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.
- **Sex-based Conduct:** Conduct that ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender related.
- **Category Abuse:** Any action which causes alarm or distress to any person considering themselves to be transgender, in the process of gender reassignment, gay, lesbian, bisexual or genetically asexual.

- **Pressure Abuse:** It is not acceptable as an argument in favour of sexual harassment, that 'it is just an initiation ceremony', 'just for fun', 'no harm was meant', 'everyone does it', 'you are far too sensitive', 'you are out-of-date', 'everyone swears', 'well, what is pornography nowadays?', and other comments which try to justify unacceptable behaviour at work or in learning.

## **Harassing Aspects of Potentially Offensive Material**

### **Displayed Graphic Materials**

Our policy is that it cannot be assumed that because one person does not find such material offensive, so all must put up with it. We will not put anyone in a situation in which they have to request that such items be removed. You are not to make available:

- The display of sexual material on posters or in any other form including graffiti.
- Any written or printed material intended to show that any person is inferior in any way, including any sexual or racist aspect.
- The use of 'playboy' or 'playgirl' style calendars or other potentially offensive magazines or pictures including those of a soft pornographic nature.

Managers and supervisors of learners at external workplaces or work placements are to be asked directly and without embarrassment, fear or favour to remove such items from the workplaces of government-funded learners as part of the external company's commitment to the equality of opportunity and protection from harassment. No learner will be put in a position of having to ask that material offensive to him or her be removed.

### **Positive Attitude**

The responsibility for compliance and for the positive attitude required to ensure success is laid upon all individuals within the organisation. All external persons connected with ACE are encouraged to hold the same responsibility and commitment.

### **Effective Use of Policy**

A further shortened fact sheet copy of our Equality & Diversity policy is issued to every learner upon our programmes. We will furthermore ensure that each work placement company has their own policy. Where there is no policy, ours will be issued to ensure compliance.

### **False Accusation**

ACE Training will hold it as an offence against this equality & diversity policy if any person gives a false accusation against another learner or staff member. Accusations of a false nature can be deemed as legally defamatory. All those involved in the investigation of any complaint must keep the matter strictly confidential.

### **Right to Advice and Counselling**

ACE Training will ensure that all persons have a right to advice and to legal protection. This will be achieved by either by a person appointed by ACE giving advice in confidence to any learner or staff member, or by referral to an external specialist source such as a solicitor or counselling agency. Time off from training or staff work will be given to attend external appointments until such matters are resolved.

### **Positive Discrimination against Gender Stereotyping**

All staff shall make every effort to inform learners of opportunities to break out of stereotypical roles at work. Vocational training providers are permitted by law to be proactive in trying to introduce men and women into areas of work not considered normal activity for a particular sex. Examples of this would be to encourage more men into childcare, more women into information technology and building work. Stereotyping can occur within working environments too – for example, expecting women always to make the tea or do washing up or expect men always to change light bulbs or mend electrical fuses or plugs. Staff are to be aware of these aspects and show an example to learners in how to combat them.

### **Gender Equality Duty**

Furthermore, staff are to note the public duty placed upon them by the Gender Equality Duty act which came into force in April 2007.

- Eliminate unlawful gender discrimination.
- Promote equality of opportunity between men, women, transgender and transsexual persons.
- Ensure that all employment and support requirements connected with pregnancy, care for children and family life are given the closest scrutiny to ensure fairness for all.

### **Race Equality Duty and Disability Equality Duty**

Staff will know that they are also bound by these duties which came into force in 2006.

### **Staff and Learners Interviews and Initial Assessments**

ACE Training has a policy, that access to staff contracts and to training programmes is open and fair. People are told at the beginning of any interview that it is covered by the ACE Equality & Diversity Policy. They are told that if they consider the manner or questioning to be ill-advised or too personal or intrusive, they should feel free to comment upon it without fear. Such questions can then be re-worded or avoided by interviewing staff as appropriate. No person shall be forced to put down any detail on their application that they are concerned might lead to an infringement of their human rights. Furthermore, we accept that because of legal limits to the gender identification procedures, it would not be appropriate for us to insist on a birth certificate being required as the sole means of identification.

Initial assessment or literacy, numeracy or other determiner of current ability will be carried out so that the results of the tests are kept confidential. These results will always be given to the learner concerned on a one-to-one basis in confidence. No unnecessary testing is to take place. Staff or learners who can show for educational reasons or reasons of previous experience or qualification that they already possess a skill or ability will not be tested for it initially. Should this ability or skill prove to be in need of refreshment at a later time, then such a test may take place with the agreement of the staff member or learner.

### **Accreditation of Prior Learning and Time Off-Work for Learning**

Learners' previous experience and qualifications are formally taken into account for the purposes of accreditation of prior learning for national vocational qualifications. Staff will be entitled to training for the needs of their job and also for personal development. Learners and staff will be entitled to time to study. **Staff** are to negotiate time off-the-job for learners to carry out personal study for their programme or for formal training sessions at work, at placement or in the ACE Training prospective training centre's.

### **Health and Safety**

All staff and learners are protected from defects in their working environments that fall below standards set out in the Health and Safety at Work Act. Full details of this are held within ACE Training's Health and Safety Policy.

### **Selection for Redundancy or Redeployment to another Post**

All direct or indirect discrimination will be avoided during selection processes for any redundancies or for redeployment to other or new posts. Nursing mothers, those expecting or on maternity leave will all be protected according to statute

### **Victimisation**

No person, staff or learner shall be victimised as a result of them giving information about any act by a person that contravenes this Equality & Diversity policy. Persons making allegations that are proved to be false will be dealt with in accordance with the staff procedures for dismissal. Any staff member who bullies or harasses another staff member or learner who they believe has made an accusation against them, whether it be proved or not, shall be liable to dismissal. All staff will be able to report matters detailed in the Public Interest Disclosure Act 1998 without fear.

### **ACE Training Equal Opportunities Procedures**

To protect staff and learners alike there are procedures to ensure that each person has a redress against harassment and bullying at work or during any part of training. There are procedures for redress of complaint, and for the re-evaluation of decisions taken by assessors in accordance with the Common Accord following complaints from learners. A Complaints Book will be kept, regularly reviewed and the causes of complaints analysed to prevent reoccurrence. Anyone whose personal data is stored on an ACE computer will have right of access to it. Anyone who is permitted to take up copyright of designed material will have that copyright honoured. Health and safety at work will be paramount.

There will be control of the quality and wording of advertising and publicity. There will be proper procedures for the recruitment of staff and learners that meet and if possible exceed the requirements for equality of opportunity. The facilities used by learners will be subject to regular formal review and necessary improvement. Learners are encouraged to discuss their concerns both formally and informally in private if requested.

Training notes will be checked to ensure the contents do not offend any group. The use of electronic communication will be monitored to ensure that no offensive material is introduced into the training or working environment and that personal privacy of data is protected. Management strategies and techniques will be regularly evaluated to ensure fairness of conduct. The structure of training and its content will be evaluated to ensure that it does not offend or infringe upon any person's rights.

The workplace or work placement contract procedures will be examined periodically to ensure fairness. The wording of contracts or service level agreements will contain wording, which describes the equal opportunities policy of ACE Training in an easily understandable way to any external organisation. The wording of contracts for full and part-time staff, including temporary, seasonal staff and contracted consultants contains details of the policy.

The dress code will take into account concerns by any person who's religious or ethnic customs require a particular type of dress. Fasting periods and other periodic religious or ethnic requirements including time and location and privacy for prayer will also be considered on a case-by-case basis. Learners who wish to discuss issues they consider important in connection with religious festivals and celebrations should talk to their tutor who will pass on information to the directors.

### **Management Responsibility and Vicarious Liability**

ACE Training directors accept full responsibility for the discharge of the various laws and Acts of Parliament. They fully understand the implications for them of vicarious liability.

- To ensure that all Training fulfils its legal responsibilities;
- Through a rigorous process of scrutiny to ensure that the Diversity and Equality Policy meets the requirement of the legislation;
- To effectively monitor the implementation of the Policy and associated action plan;
- To ensure that those with responsibility under the Act assume their role.
- To provide active visible sponsorship and leadership;
- To ensure that related aims and objectives of the Equality and Diversity Policy are effectively implemented;
- To ensure that all staff are fully aware of their individual and collective responsibility and accountability;

- To provide adequate training, coaching and mentoring to ensure that staff have the skills, knowledge and competences required to meet the legal obligations and strategic intent in relation to Equality and Diversity;
- To ensure that allegations of discrimination are dealt with quickly and efficiently.
- Be responsible for proactively communicating our unequivocal commitment to the policy and practice of Equality and Diversity with partner organisations, contractors, students and employers providing work placements to students;
- Provide an effective mechanism for communicating and disseminating Equality and Diversity related key issues, policies and actions within the Training Centre.
- Ensure that their staff understand Equality and Diversity issues and how to report any perceived discrimination or unequal opportunity, and that all training and development opportunities are allocated objectively, fairly and without discrimination;
- Take ownership of equality and Diversity by implementing the policy and its related action plan;

Specifically, the Directors are responsible for ensuring that ACE Training works to widen participation in WBL and provides appropriate support to learners, as well as reviewing the Equality and Diversity Policy and for drawing up an annual action plan.

### **Cooperation by Staff and Learners**

As a part of ACE Training you have a duty to co-operate and comply with any measures set out to improve or sustain the concept of equality of opportunity. You must report bullying and harassment (there is a separate policy). You must not encourage or allow others by omission to carry out any discriminatory act.

### **Staff and Learners – Right to Information**

All staff and learners will receive initial, regular and updating briefings on all appropriate aspects for equal opportunities, rights and responsibilities. As long as you are a member of this organisation or a participant in one of its training programmes you have an obligation to act in accordance with the ethos set out in this policy at all times, including your time away from work or training.

### **Equality Improvement**

The process for equality improvement forms part of the Self Assessment process and is incorporated in the Quality Improvement Plan. Revision of policies and procedures relating to the delivery of programmes is through ACE Training Quality Improvement Cycle. All revised procedures are implemented in consultation with the Quality Group and disseminated through Senior Management Team and Staff Meetings.

The recruitment and professional development of staff is led by the Directors of ACE Training in consultation with the Senior Management Team. All staff receives annual staff appraisal and training and development meetings and bi-annual performance appraisal. Part-time staff are in consultation with their line manager, given the opportunity to work flexible working hours, provided the needs of the organisation are met.

ACE Training aims to create a culture of equality and diversity for all staff and learners. We aim to address and eradicate inequalities in opportunities available to young people and to embrace diversity amongst those wishing to participate in learning.

### **Each staff member must:-**

- Demonstrate the core principles of Equality and Diversity by treating others with dignity and respect;
- Effectively identify and challenge discriminatory behaviour and attitudes;
- Actively participate and contribute to creating an inclusive learning environment that values difference;
- Ensure that Equality and Diversity is effectively integrated into the professional practice of teaching, recruitment, assessment and in all other dealings with learners and colleagues;
- Maintain an awareness of Equality legislation by attending relevant external and internal training courses;
- Speak out and report if they witness or are a victim of any form of discrimination, bullying, unfair treatment or harassment.

By continuous review and revision of policies and procedures the ACE Training will ensure that learners, staff, employers and sub-contractors are equipped with the knowledge and understanding required to meet the diverse needs of the local community.

Through analysis of data the effectiveness of these policies and procedures are monitored, this information is then disseminated through staff and operational review meetings, images and marketing materials and all aspects of our work.

ACE Training will continue to work closely with the Skills funding Agency and other providers to raise the profile of Work Based Learning amongst young people, schools, colleges, connexions and parents in order to widen participation of young people across the whole of the community. Through the use of positive images and encouraging under-represented groups we will aim to raise awareness and encourage equality in participation in our provision.

ACE Training will review this strategy in order to meet the strategic aims of the Skills Funding agency

### **Suggestions for Policy Improvement**

Please feel free to offer suggestions on the improvement of equality opportunities systems and procedures within this organisation.

### **Quality Assurance Review**

This policy will be reviewed annually as part of our self-assessment process.

All Queries and concerns about equal opportunities issues should be referred to the Directors stated below.

## **Annex A**

### **Equality & Diversity Legislation**

Both UK and European law has been extensively revised and improved in the last three years. The trend of wide reaching and life-changing legislation will continue into the future. ACE is bound by the following policies:

#### **In the 1970's:**

- Equal Pay Act 1970
- Health and Safety at Work Act 1974
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- European Equal Treatment Directive 1976

#### **In the 1980's:**

- Copyright, Designs and Patents Act 1988
- Children Act 1989

#### **In the 1990's:**

- Disability Discrimination Acts 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Treaty of Amsterdam 1997
- Public Interest Disclosures Act 1998
- Data Protection Act 1998
- Working Time Regulations 1998
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999

#### **In 2000:**

- Part Time Workers Regulations 2000
- Race Relations (Amendment) Act 2000

#### **In 2001:**

- Special Education Needs and Disability Act (SENDA) 2001  
(for learner's time at FE Colleges only – this Act does not apply to private providers.)

#### **In 2003:**

- The Race Relations Act 1976 (Amendment) Regulations 2003\*
- The Employment Equality (Religion or Belief) Regulations 2003\*
- The Employment Equality (Sexual Orientation) Regulations 2003\*
- The Disability Discrimination Act 1995 (Amendment) Regulations 2003\*

#### **In 2004:**

- Gender Recognition Act 2004
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Children Act 2004

#### **In 2005:**

- Disability Discrimination Act 2005
- Employment Equality (Sex Discrimination) Regulations 2005\*

#### **In 2006:**

- Equality Act 2006
- Age – Employment and Vocational Training Law – 1<sup>st</sup> October 2006
- Disability – Public Duty Code of Practice – 1<sup>st</sup> December 2006
- Racial and Religious Hatred Act 2006
- Race Employment Equality Code of Practice enforced 6<sup>th</sup> April 2006

#### **In 2007**

- Single Equalities Act – under consideration and in consultation now
- Sexual orientation workplace regulations 2006 implemented in Oct 2007

- Work and Families Act 2006 comes into force.

**In 2010**

- **Equality Act 2010**

**In 2011**

- **The Employment Equality Act 2011**

\*Acts and Regulations above, marked with this symbol, are European Law. Under European laws for harassment persons accused are considered liable unless they can show they acted reasonably when they enter the court – they are not considered innocent until proven guilty.