

Finchale Group

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Equality, Diversity & Inclusion Policy

EQUALITY, DIVERSITY & INCLUSION POLICY



Education & Skills
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Equality, Diversity & Inclusion Policy Statement

High-quality learning in relation to promoting protected characteristics.

This document describes the minimum standards and guidance relating to developing a cooperative and non-discriminatory environment which is both supportive and challenging and dealing with instances of harassment, bullying and discrimination. At Finchale Training College we believe that all staff, volunteers, beneficiaries and learners must be equally respected and treated as individuals, taking positive account of age, gender, religion or belief, ethnic origin, cultural origin, sexual preferences, disability, pregnancy or maternity and marital status. We will constantly implement to apply this principle to all our policies, procedures, delivery and interactions across the projects.

‘Leaders promote equality of opportunity and diversity exceptionally well, for staff, volunteers, beneficiaries and learners, so that the ethos and culture prevent any form of direct or indirect discriminatory behaviour. Leaders, staff, volunteers, beneficiaries and learners do not tolerate prejudiced behaviour.’

‘Staff are quick to challenge stereotypes and the use of derogatory language in lessons and around the school. Resources and teaching strategies reflect and value the diversity of learners’ experiences and provide learners with a comprehensive understanding of people and communities beyond their immediate experience.’

‘The organisation's open culture actively promotes all aspects of staff, volunteers, beneficiaries and learners’ welfare. Staff, volunteers, beneficiaries and learners are safe and feel safe always. They understand how to keep themselves and others safe in different situations and settings. They trust leaders to take rapid and appropriate action to resolve any concerns they have.’

(Extracts are taken from The Common Inspection Framework) *school refers to all education settings including WBL/College.

Who is this policy for?

All staff, volunteers, beneficiaries, learners, apprentices, employers and other stakeholders.

The protected characteristics

The following characteristics are protected under the 2010 Act

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

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

Age, Gender, Sexual Orientation, Transgender/Gender reassignment, Marital Status: no discrimination will be accepted with regards to the gender of the individual. All employees, volunteers, beneficiaries, learners will be encouraged to participate in all activities regardless of gender or age. All staff, volunteers, beneficiaries and learners will have the same opportunities and be treated in the same manner regardless of their gender or age. No discrimination will be made with regards to individual sexual preferences and marital status.

Reference: The Sex Discrimination Act 1975 Employment, Equality Sexual Orientation Regulations Dec 2003 Equalities Act (2010)

Religion, Ethnic origin, Cultural origin: no discrimination will be accepted with regards to the religion, ethnicity or culture of the individual. No individual will be refused a place on the grounds of religion, ethnic origin or culture. Information will be available to all whenever possible, this will be in the first language if English is not understood, or an interpreter will be used to ensure information is exchanged accurately in a timely manner. All employees, volunteers, beneficiaries, learners and staff will be expected to respect individual religion, ethnicity and cultural differences. The curriculum encourages employees, volunteers, beneficiaries, learners to treat everyone with equal concern and respect and to value each other. Questions about racial and cultural differences will be answered in a clear, factual way that is understood in an appropriate manner. Positive support for a learner's home language and cultures will be given as this provides a framework for learning English.

Reference: The Race Relations Act .1976 Employment Equality Religion or Belief Regulations Dec 2003

Disability: Finchale Training College is committed to the integration of employees, volunteers, beneficiaries, learners with a disability or additional needs. Extra help or special arrangements may be required including 'reasonable adjustment'. The organisation will not discriminate directly or indirectly against a disabled employee, volunteers, beneficiaries, learners. It is recommended that all disabilities or special needs are made known so any necessary reasonable adjustments can be made as soon as possible to promote engagement in work and learning.

Reference: The Disability Discrimination Act 1995.

Offensive behaviour

The organisation will not allow harassment or bullying to employees, volunteers, beneficiaries, learners. This can include unwelcome comments or behaviour, repetitive criticism, intimidation, insulting, aggressive, undermining self-confidence or the misuse of power. Any action which makes the recipient feels upset, humiliated, threatened or vulnerable. If the offensive behaviour is made by learners, an on the spot explanation of why it is not accepted will be made and the behaviour policy followed. Any breach of this policy by an adult or young person visiting the centre may result in disciplinary action.

Definitions

- Direct discrimination - means treating people less favourably because of their race, disability, gender, ethnic and national origin, nationality, sexual orientation, religion or age.
- Indirect discrimination - occurs when an unjustifiable requirement or condition, whether intentional or not affects adults or children from certain groups.

Harassment

- Unwanted conduct, whether verbal or not, which is of a sexual or racial nature or which refers to or is based upon a person's disability, or other conduct based on someone's race and/or gender and/or disability which affects the dignity of men or women at work; or
- Bullying of colleagues, especially junior colleagues, by intimidating behaviour; or
- Unfavourable conduct at work, whether verbal or non-verbal, towards someone based on their disability which could affect their dignity at work.

Harassment or any form of discrimination will not be tolerated under any circumstances. A member of staff who harasses or discriminates against another employee or client or customer of the Charity will be subject to the Finchale Training College disciplinary procedure. In serious cases, such behaviour may constitute gross misconduct and result in summary dismissal.

Harassment generally may include any unwanted verbal or physical abuse and/or advances and/or behaviour which an employee may find offensive and which causes them to feel threatened, humiliated, patronized, distressed or harassed. It will not necessarily be a defence that such incidents consist of words or behaviour which might be claimed to be "commonplace" or which were intended as a joke or were not intended to be offensive.

Harassment may be deliberate or unconscious, open or covert, direct or indirect, an isolated incident or a series of repeated actions. It may also include, in certain circumstances, off duty conduct.

It is the duty and responsibility of Finchale Training College and every employee to stop all types of harassment and discrimination in the workplace. It is only through the efforts of individual employees that harassment and discrimination can be eradicated. We must all recognise that every employee in the Company has the right not to be subjected to any form of harassment or discrimination.

Racial Harassment: Racial harassment is racial discrimination and is contrary to the Company's ethos. It is also unlawful. This type of harassment will not be tolerated under any circumstances and the Company will take prompt action upon becoming aware that such incidents have taken place.

Examples of racial harassment may include:

- abusive language and racist jokes;
- racial name calling;
- the display or circulation of racially offensive written or visual material including graffiti;
- physical threats, assault and insulting behaviour or gestures;
- open hostility towards workers of a racial group, including organized hostility in the workplace;
- unfair allocation of work and responsibilities;
- exclusion from normal workplace conversation or social events, i.e. being "frozen out".

The above examples are not exhaustive and each incident of harassment or discrimination will be viewed on its individual facts.

Sexual Harassment: Sexual harassment is similarly sex discrimination, unlawful and contrary to the Charity's policy. It is defined as unwanted behaviour of a sexual nature by one employee towards another.

Examples of sexual harassment may include:

- insensitive jokes and/or pranks;
- lewd comments about appearance;
- unnecessary bodily or physical contact;
- displays of sexually offensive material, for example, pin-ups and calendars;
- requests for sexual favours;
- speculation about an employee's private life and/or sexual activities;
- threatened or actual sexual violence;

- the threat of dismissal, loss of promotion etc. for refusal of sexual favours.
- exclusion from normal workplace conversation and social events.

Whilst the above list gives examples of sexual harassment, harassment takes many forms from relatively mild sexual banter to actual physical violence. The above examples are not intended to be exhaustive. Harassment of an individual in this manner based on their sexual orientation or gender diversity (e.g. because they are homosexual, transsexual or undergoing “sex change treatment”) will also be regarded by the Charity as sexual harassment and will not be tolerated.

Harassment on grounds of disability: Harassment of an individual who has a disability or who has had a disability in the past is unlawful. It is also contrary to the Charity’s policy, which seeks to ensure that people with disabilities receive treatment that is fair, equitable and consistent with their skills and abilities. In accordance with statutory requirements, the Charity recognises that a person with a disability is someone who has or has had a physical or mental impairment that has a substantial and long-term adverse effect on their normal day-to-day activities. Therefore, depending on individual circumstances a person who has been seriously injured, has or had a progressive illness, significant learning difficulties or poor hearing, vision or mobility may be a person with a disability.

Harassment on grounds of disability may include the following:

- abusive or insensitive language;
- inappropriate jokes or pranks;
- non-verbal offensive gestures (e.g. staring at an affliction);
- inappropriate assumptions about the capabilities of a disabled person;
- unfair allocation of work and responsibilities;
- exclusion from normal workplace conversation or social events;
- physical mistreatment (e.g. jostling or assault).

The above examples are not exhaustive and each incident of harassment or discrimination will be viewed on its individual facts. As part of the Charity’s Equality, Diversity & Inclusion policy, we will make every effort, if a disabled person joins the Charity or if an existing employee becomes disabled, to make such adjustments as are required by law, whether in their existing job or in a suitable available alternative. The Charity will seek to ensure that the needs of people with disabilities are considered generally in both the context of the Charity’s working practices and in the nature of its premises and continuing services.

Victimisation

Victimisation occurs when a member of staff , a volunteer, beneficiary, or learner treats another member of staff , a volunteer, beneficiary, or learner less favourably because that other person has:

- brought proceedings alleging that they have been discriminated against contrary to this Policy; or
- indicated that they intend to make such a claim or claims; or
- assisted a colleague to make a claim.

Victimisation will not be tolerated under any circumstances and any member of staff , a volunteer, beneficiary, or learner who victimises another employee or learner will be subject to the Charity's disciplinary procedure. In serious cases, such behaviour may constitute gross misconduct resulting in summary dismissal.

This also applies to Employers and other stakeholders.

Complaints & Disciplinary Action

Where an employee believes that they are being harassed, victimised, or discriminated against contrary to the law or to the Equality, Diversity & Inclusion policy, they can invoke the complaints procedure, whether formal or informal, against the harasser or discriminator. Every complaint will be investigated and dealt with sympathetically without bias and as quickly as is practicable. Every effort will be made to ensure that individuals who make a complaint in good faith will not suffer any further detriment or be victimised because of making such a complaint. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action, which may include summary dismissal.

Complaints to be addressed to **Alison Tate Performance and Governance Manager**, The Finchale Training College, Richard Annand VC House, Unit 18 Mandale Park, Belmont Industrial Estate, Durham, DH1 1TH. alison.tate@finchalegroup.co.uk

Informal Procedure: Prior to adopting the formal procedure set out below, an informal approach may be taken.

- If an individual feels, that they are or have been subjected to harassment and/or discrimination or victimisation and considers that the informal procedure is appropriate they should, if possible, advise the harasser that the behaviour is unwelcome, must be stopped and is interpreted as harassment and/or discrimination and/or victimisation as defined by the Charity's policy statement. If preferred, this may be in writing.

- If the behaviour does not cease or the employee finds approaching the harasser difficult, further informal assistance is available. Employees, who wish to discuss such a complaint in confidence, should contact Finchale Training College incidents@finchalegroup.co.uk

Formal Procedure: Where the informal method fails or serious harassment or discrimination occurs or if the individual prefers, employees are advised to bring a formal complaint against the alleged harasser or discriminator and to seek assistance as above in doing so. The complaint should be made in writing and, where possible, state the following:

- the name of the alleged harasser/discriminator;
- the nature of the harassment/discrimination/victimisation;
- the date and time when the harassment/discrimination or victimisation occurred;
- the names of any witnesses to the harassment/discrimination or victimisation; and details of any action, which may already have been taken by the complainant to stop the harassment/discrimination or victimisation. The complaint should be sent or given to the Performance and Governance Manager. Where a complaint of harassment, discrimination or victimisation is received, consideration will be given to whether it would be helpful and/or practicable to separate the alleged harasser/discriminator from the complainant. This may involve the temporary transfer of the alleged harasser/discriminator or the complainant to another department or suspension with pay until the complaint has been resolved.

The Director will carry out a thorough investigation as quickly as possible, maintaining as much confidentiality as possible always. The complainant should be aware, however, that if the complaint is to be properly investigated, other employees may have to be asked for witness statements. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence. Copies of any witness statements taken will be made available to the alleged harasser and the complainant.

Witnesses will be encouraged to appear at any hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances, The Director will, if necessary, adjourn the hearing and ask supplementary questions of witnesses in private. The complainant may, if they wish, be supported throughout the procedure and hearing by a colleague of their choice. The employee accused of harassment or discrimination will have the right to be accompanied at the hearing in accordance with the policy if the offence is proved the severity of the penalty imposed on the harasser will be consistent with those detailed in the disciplinary procedure. Serious harassment or acts of discrimination or victimisation may result in summary dismissal. Where a lesser penalty is appropriate, for example, a written warning, this may be coupled with action to ensure that the complainant is able to continue working without embarrassment or anxiety.

After discussion with the complainant, The Director may transfer the harasser to a different work area, or arrange for an amendment of working practices to minimize contact between the two employees. If the complainant wishes, their own transfer will be arranged, subject to practical limitations. The result of the hearing will be confirmed in writing to both employees. If the complainant is not satisfied with the way their complaint has been handled, they may appeal to the nominated person. The appeal should be made in writing within 5 working days of the first hearing. The decision of this second hearing will be sent in writing to both parties and will be final. An employee who receives a warning or is dismissed for harassment or discrimination may appeal against the penalty in accordance with the appeals procedure in the Company's disciplinary procedure.

Policy requirements

All staff will follow this policy statement always. Managers and other staff will ensure that this statement is followed through supervision and quality assurance processes.

Staff Responsibilities

Finchale Training College staff have a responsibility to:

- Be aware of and implement the policy on Equality, Diversity and Inclusion with all learners and apprentices at all times.
- Promote a “challenge inequality and celebrate diversity” ethos;
- Undertake staff development appropriate to their role;
- Promptly report any discriminatory issues, unfair treatment, poor practice or misconduct to the Equality and Diversity Champion Cheryl Burn Cheryl.Burn@finchalegroup.co.uk
- Promote equality, diversity and inclusion in induction, teaching and at learner progress reviews.

Management Responsibilities

Finchale Training College managers and directors have a responsibility to:

- Ensure that all staff, learners, apprentices, subcontractors and employers are aware of this policy and actively promote its implementation.
- Promote learning to ensure participation is representative of the local, regional and national demographical data.
- Ensure our learning environments are non-discriminatory and challenge negative behaviours towards race, religion, gender, disability or culture.

- Embrace a whole approach to challenging inequality and celebrate diversity.
- Ensure all staff receive appropriate and annual training and support to undertake their roles effectively.
- If Finchale Training College is working with a partner and any equality and diversity issues arise, the Finchale Training College Equality and Diversity Champion will work with the partners' appointed person.
- Ensure learning resources and marketing literature will promote fair and equal access to teaching, learning and assessment. Care will be taken to avoid the use of statements and stereotypes that might reasonably be expected to give offence on the grounds of Age, Gender, Sexual Orientation, Disability, Race, and/or Religion & Belief.
- Collect data to analyse participation and achievement of under-represented groups by subject and programme area.
- Agree EDIMs (equality and diversity impact measures) at Senior Management level to promote participation and achievement of under-represented groups.
- Process all data in accordance with the requirements of the Data Protection Act 1998.
- Learner registration forms ask to detail any additional support requirements that need to be in place. It is the responsibility of the Director to ensure that reasonable adjustments are in place to accommodate those with additional support requirements in time for the start of the training course.

Equal opportunities

Finchale Training College is fully committed to providing a good and harmonious working environment that offers equal treatment and equal opportunities for all its employees and where every employee is treated with respect and dignity.

Finchale Training College recognises that the provision of equal opportunities in the workplace is not only good management practice; it also makes sound business sense.

Finchale Training College policy will help all employees develop their full potential so that the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Breaches of the Finchale Training College Equality, Diversity & Inclusion policy will result in the Company's disciplinary procedure being invoked against the individuals responsible or involved.

Recruitment

No vacancy will be advertised or publicised (internally or externally) in a way which discourages applications from any sector of the population.

All applications will be considered on merit. Everyone will be assessed against a set of objectives, non-discriminatory criteria that will be directly related to the demands of the vacancy.

Internal and apprenticeship vacancies: All advertisements, application forms and other recruitment material will clearly state that we are an equal opportunities employer and will avoid statements or questions which tend to discourage applications for employment from any sector of the population.

All interviews will be conducted in accordance with the terms and spirit of this policy. The questions asked of candidates will be closely related to the selection criteria and will be asked to elicit information which will give a fair assessment of that applicant's ability to perform the tasks required by the vacancy. Specific questions will not be asked of candidates which make assumptions about a candidate's commitment or ability based on any of the grounds identified in the statement of this policy.

No sector of the population will be disadvantaged or discriminated against in relation to the terms of employment offered or applied to them.

Finchale Training College will, where appropriate, make reasonable adjustments to its arrangements for interviews and conditions of employment for disabled applicants where necessary to ensure that existing arrangements or conditions of employment do not place such applicants at a significant disadvantage to other applicants.

Promotion

Internal vacancies will, if possible, be filled by promotion.

Finchale Training College will, however, consider enlarging the pool of applicants for promotion where this proves necessary to ensure that, in accordance with its policy, the pool of applicants is capable of fairly representing all sectors of the population.

Applicants for promotion will be considered only based on their skill, aptitude, experience and suitability for the vacancy.

Training

Employees involved in recruitment and the management or supervision of others will receive training to help them understand and comply with the law and our policy.

No employee will be denied access to training on discriminatory grounds.

Specific and/or additional training will be made available for disabled employees as is reasonably necessary.

Monitoring

Finchale Training College will regularly monitor the effectiveness of its processes and procedures to ensure that they are achieving our stated aims.

Finchale Training College has appointed an Equality & Diversity champion who is responsible for the monitoring of equal opportunities throughout the company.

Discipline

Any acts of discrimination or acts which contravene this policy will result in the disciplinary procedure being invoked against the individuals responsible or involved. In severe cases, summary dismissal may be justified. All members of staff are encouraged to use the procedure outlined in this Policy if they are harassed, discriminated or victimised. The Company takes all allegations seriously. However, if an allegation is made which the Company (after investigation) believes has been made dishonestly or maliciously, the Company may invoke the disciplinary procedure against the complainant. In serious cases, such behaviour may constitute gross misconduct and result in summary dismissal.

Policy Review

This policy will be reviewed on an annual basis. The Finchale Training College reserves the right to amend this policy, following consultation, where appropriate.

Signed:

Neil Johnson

Chief Executive Officer

Date: