

EQUALITY, DIVERSITY AND INCLUSION POLICY 2020 - 2022

Approved by: Davies Learning Solutions Board

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Change History

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1. Introduction

Davies Learning Solutions (DLS) wishes to secure genuine equality of opportunity, whether required by legislation or not, in all aspects of its activities as an employer, training provider and a funding partner to our Subcontractor. To this end, DLS will take all reasonable practicable steps to ensure that there is no discrimination against any individual or individuals, including colleagues, directors, beneficiaries, apprentices, sub-contractors and customers, on account of their disability, age, sex, sexual orientation, race, religion or belief, gender reassignment, marital status and civil partnership, pregnancy and maternity.

This policy is approved by the Board and Senior Leaders and required actions are embedded into the Equality and Diversity Development Plan and Quality Improvement Plans. The policy will be monitored, reviewed at least biannually, and updated accordingly in line with any legislative changes and approved by The Board.

The policy can be made available in alternative formats on request and will be reviewed yearly or on updates to legislation.

2. Reason for policy

The overall purpose of this policy is to abide by the Equality Act 2010 and to ensure that Davies Learning Solutions is a place where learning and work exists in an environment that promotes equality of opportunity, celebrates diversity and allows everyone to achieve their potential.

Our commitment is that every:

- Employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Individual is entitled to receive a service from Davies Learning Solutions and its Subcontracting Partner that is free from bias and all unreasonable barriers.
- Employee, customer, and supplier is entitled to expect equality of opportunity in all aspects of their employment, training and engagement with us, including its terms and conditions.
- Potential employee and learner is entitled to expect the recruitment process to be free from all unreasonable barriers.
- Apprentices will be supported in their learning to allow them to succeed in line with peers and progression to new opportunities.
- Employee will be provided training and development opportunities to support their understanding and commitment to the policy.
- Manager will be committed to monitoring progress towards targets set for representation and performance of different groups

3. Policy

The Company Values will embed equality and diversity in their implementation, namely:

- Do the right thing – we endeavor to be open, honest, and fair in our dealings with apprentices, employers, partners and stakeholders.
- Apprentices are at the center of everything we do, and we are driven by the desire to provide life- changing opportunities for each and every one of them.
- Continuous improvement – we are committed to continually exploring ways to improve the services we offer for the benefit of our apprentices, partners and employers.
- Develop and empower our staff – we are passionate about supporting staff at all levels so that they can realise their full potential and progress.

The Company actively promotes British Values throughout delivery, using the following key themes:

- Democracy
- The rule of law
- Individual liberty
- Respect and tolerance

As well as actively promoting British Values we would also actively challenge apprentices, employers, staff or parents expressing opinions contrary to fundamental British Values, including 'extremist' views of any variety.

Objective of the policy are to:

- Regularly report to the Board and Senior team on equality and diversity matters and the performance and participation of different groups of apprentices
- Regularly review the policy and procedures that promote and protect equality and diversity
- Make Subcontractor Partners aware of their personal obligations to avoid discrimination, in accordance to the policy
- Organise or access opportunities that foster a culture of equality for all
- Monitor procedures and activities to ensure the effectiveness of Davies Learning Solutions 's approach
- Take into account the needs of all, particularly those with protected characteristics

- Take positive action to redress unjustified disparities in training and / or employment.

4. Statutory Acts

There are a number of statutory and other provisions relating to Equality & Diversity and these are enveloped in one Single Equality Bill (October 2010). These include:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Religion Act 1976
- Disability Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2006, Part 2
- Equality Act (Sexual Orientation) Regulations 2007

5. Equal Opportunities Statement

Davies Learning Solutions is committed to being an equal opportunities employer and training provider, promoting and developing equality and diversity for staff, customers and suppliers across all of our services.

It will seek to do this by:

- communicating our commitment to equality and diversity to all
- creating an environment where there is mutual respect and equality of opportunity providing relevant training for all staff and Subcontract Partners
- implementing mechanisms for implementation, monitoring, evaluation, and review
- treating acts of discrimination as a disciplinary offence dealing with harassment and bullying timely and effectively
- engaging staff and stakeholders in the development, implementation and execution of our policies
- ensuring our Subcontract partners promote equality and diversity in line with legal requirements
- embedding, inform and following of the five main principles of social justice - access to resources, equity, participation, diversity, and human rights.

- Ensuring apprentice feel safe and are protected from peer on peer abuse. This form of abuse occurs when there is any kind of physical, sexual, emotional or financial abuse or coercive control exercised between people. It includes bullying, cyberbullying, sexual violence, harassment and sexting.
- Protected apprentices from gender reassignment discrimination, you do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender. This is because changing your physiological or other gender attributes is a personal process rather than a medical one.

All employees, suppliers and customers will receive equal treatment regardless of sex, marital or civil partnership status, race, disability, age, sexual orientation, gender reassignment, pregnancy, maternity, religion or belief.

The Directors and Management Team recognise that they have responsibility for ensuring that the company operates within the legal framework for equality and for implementing the policy throughout the business. All employees and apprentices of DLS are responsible for trying to prevent discrimination that is within their control to prevent or challenge.

6. Definitions

Direct Discrimination

Direct discrimination occurs when someone is treated less favorably in relation to any of the protected characteristics.

Indirect Discrimination

Indirect discrimination is a discrete type of discrimination that involves a policy, rule or procedure that is applied to everyone in a certain area but, ultimately, puts some individuals or groups at a disadvantage. Just like direct discrimination, indirect discrimination can be posed as a formal or informal rule, practice or policy that may control behavior or set standards in the workplace.

Discrimination by Association

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic. Perceptive discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Harassment

Harassment is recognised and means that employees will be able to complain with regards to behavior that they find offensive, even if it is not directed at them, and the complainant need not possess the relevant characteristics themselves.

Bullying

Bullying is not a natural behavior and should not be seen as such. It typically can be when someone uses superior strength or influence to intimidate.

Victimisation

Victimisation is the action of singling someone out for cruel or unjust treatment.

All matters of discrimination, bullying and harassment will be dealt with effectively and efficiently, using the following processes where applicable:

- Complaints Procedure
- Grievance Procedure
- Staff Discipline Policy
- Apprentice Learner Journey
- Safeguarding and Prevent Handbook

Gender reassignment

The Equality Act 2010 says that you must not be discriminated against because you are transsexual, when your gender identity is different from the sex assigned to you when you were born. For example:

- a person who was born female decides to spend the rest of his life as a man

In the Equality Act it is known as gender reassignment. All transsexual people share the common characteristic of gender reassignment.

To be protected from gender reassignment discrimination, you do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender. This is because changing your physiological or other gender attributes is a personal process rather than a medical one.

You can be at any stage in the transition process – from proposing to reassign your gender, to undergoing a process to reassign your gender, or having completed it.

The Equality Act says that you must not be discriminated against because:

- of your gender reassignment as a transsexual. You may prefer the description transgender person or trans male or female. A wide range of people are included in the terms 'trans' or 'transgender' but you are not protected as transgender unless you propose to change your gender or have done so. For example, a group of men on a stag do who put on fancy dress as women are turned away from a restaurant. They are not transsexual so not protected from discrimination
- someone thinks you are transsexual, for example because you occasionally cross-dress or are gender variant (this is known as discrimination by perception)

- you are connected to a transsexual person, or someone wrongly thought to be transsexual (this is known as discrimination by association)

Intersex people (the term used to describe a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't fit the typical definitions of female or male) are not explicitly protected from discrimination by the Equality Act, but you must not be discriminated against because of your gender or perceived gender. For example:

- if a woman with an intersex condition is refused entry to a women-only swimming pool because the attendants think her to be a man, this could be [sex discrimination](#) or [disability discrimination](#)

Different types of gender reassignment discrimination

There are four types of gender reassignment discrimination.

[Direct discrimination](#)

This happens when someone treats you worse than another person in a similar situation because you are transsexual. For example:

- you inform employer that you intend to spend the rest of your life living as a different gender. Your employer transfers you off your role against your wishes because they don't want you to have client contact

Absences from work

If you are absent from work because of gender reassignment, your employer cannot treat you worse than you would be treated if you were off:

- due to an illness or injury. For example your employer cannot pay you less than you would have received if you were off sick
- due to some other reason. However in this case it is only discrimination if your employer is acting unreasonably. For example, if your employer would agree to a request for time off for someone to attend their child's graduation ceremony, then it may be unreasonable to refuse you time off for part of a gender reassignment process. This would include, for example, time off for counselling

[Indirect discrimination](#)

Indirect discrimination happens when an organisation has a particular policy or way of working that puts transsexual people at a disadvantage.

Sometimes indirect gender assignment discrimination can be permitted if the organisation or employer is able to show that there is a good reason for the discrimination. This is known as [objective justification](#). For example:

- a local health authority decides that it will not fund breast implants. As a result the health authority refuses to provide this treatment for a woman undergoing gender reassignment even though she considers it essential to make her look more

feminine. The same policy is applied to all women but puts transsexuals at a greater disadvantage. The health authority may be able to justify its policy if it can prove that it has legitimate reasons

Harassment

Harassment is when someone makes you feel humiliated, offended or degraded because you are transsexual. For example:

- a transsexual woman is having a drink in a pub with friends, the landlord keeps calling her 'Sir' and 'he' when serving drinks, despite her complaining about it

Harassment can never be justified. However, if an organisation or employer can show it did everything it could to prevent people who work for it from behaving like that, you will not be able to make a claim for harassment against it, although you could make a claim against the harasser.

Victimisation

This is when you are treated badly because you have made a complaint of gender reassignment related discrimination under the Equality Act. It can also occur if you are supporting someone who has made a complaint of gender reassignment related discrimination. For example:

- a transsexual is being harassed by a colleague at work, he makes a complaint about the way his colleague is treating him and is sacked

Circumstances when being treated differently due to gender reassignment is lawful

A difference in treatment may be lawful if:

- an organisation is taking [positive action](#) to encourage or develop transsexuals to participate in a role or activity in which they are under-represented or disadvantaged
- the circumstances fall under one of the exceptions to the Equality Act that allow organisations to provide different treatment or services
- competitive sports: a sports organisation restricts participation because of gender reassignment. For example, the organisers of a women's triathlon event decide to exclude a trans woman. They think her strength gives her an unfair advantage. However, the organisers would need to be able to show this was the only way it could make the event fair for everyone
- a service provider provides single-sex services. If you are accessing a service provided for men-only or women-only, the organisation providing it should treat you according to your gender identity. In very restricted circumstances it is lawful for an organisation to provide a different service or to refuse the service to someone who is undergoing, intends to undergo or has undergone gender reassignment

7. Implementation

This policy is available on the intranet and on the companies SharePoint and will be prompted through new staff induction and regularly through staff training events to encourage engagement with the principles of equality and diversity. ED&I mandatory training is carried out yearly by all staff with the expectation that staff will cascade updated information to apprentice. ED&I resources are available on Thrive for apprentices to develop understanding as part of the wider curriculum. All Line Managers receive external Safer Recruitment Training to ensure that selection and recruitment is fair and consistent.

All colleagues have the responsibility to uphold the policy, comply the law and support the company in fulfilling its duties and commitments.

8. Related Policies and Links

Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/contents

- Complaints Procedure
- Grievance Procedure
- Disciplinary Policy
- Apprentice Learner Journey
- Safeguarding and Prevent Handbook
- DLS 20/21 Business Plan
- 20/21 Curriculum Strategy
- Performance, Quality & Standards Handbook

9. Undertaking Equality Impact Assessments

We have developed a toolkit to carry out equality impact assessments. The toolkit involves a two-stage process:

1. An initial screening to assess whether the proposed policy, procedure, plan or practice has potential equality implications for different groups; if necessary
2. A full assessment with detailed evidence analysis, stakeholder engagement and consideration of alternative approaches.

All our policies and procedures are scheduled for review; generally, on a three year cycle. At each review or change the impact assessment process is repeated. Any underlining issues that are identified are addressed in a timely manner.

The Equality and Diversity Steering Group is a subsection of the Safeguarding Team which monitors the use of impact assessments in terms of accurate completion. All Equality Impact Assessments outcomes are available on request.