

Purpose

To inform staff, Training Candidates and any other visitor of the equal opportunities policy for all TES Training as part of the company's statutory duty to eliminate discrimination and promote equality.

This policy applies to all TES Training staff, training candidates and all other visitors.

Responsibility

The Training Director has overall responsibility for equality and diversity.

TES Trainings AIMS

The Company endeavours to

- Respect each individual at TES Training facilities;
- Support every candidate and every member of staff;
- Value the contribution made by everyone to the life of TES Training;
- Praise the work and achievement of each candidate and each member of staff; and
- Take pride in every aspect of TES Training.

Equality and Diversity Policy

Our commitment

TES Training (The Company) is committed to an inclusive approach to the delivery of training and assessments.

We value all of the different people studying, working and visiting the company and we are continuously working to develop policies and procedures which tackle inequality and exclusion.

This policy is intended to assist the Company in putting this commitment into practice.

We strive to ensure that the Company's work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

The Company is also committed to upholding the principle of diversity. This ensures that the differences between people and groups is understood, valued and respected. Managing diversity involves improving how people study or work together by recognising and valuing their similarities and differences.

The Company will seek to reflect this commitment to equality and diversity in all aspects of Training and in our dealings with members of the public, other agencies and suppliers of goods and services

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics". Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Types of unlawful discrimination

Direct unlawful discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to offer training to a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

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

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

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Candidates or staff can complain of harassment even if they do not possess the protected characteristic or if the harassment is not directed at them.

Harassment may take many forms. It may be unwanted remarks, inappropriate jokes or ridicule, unwanted physical contact or segregation. It may be an isolated incident or a series of incidents.

Complaints of harassment should be pursued through the grievance procedure for staff and the complaints procedure for candidates.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);

- It must be aware that the previous harassment has taken place; and
- It must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Our Public Sector Equality Duty

The Company has had a general equality duty to;

- (i) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- (ii) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (iii) Foster good relations between people who share a protected characteristic and those who do not

There are specific duties to;

- (i) Publish sufficient information to demonstrate compliance with the general duty by 31 January in each year (having commenced by 31 January 2012)
- (ii) Prepare and publish equality objectives to meet the aims in the Equality Act every four years (having commenced by 6 April 2012)

Equal opportunities in employment

The Company will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed

objectively against the requirements for the job, taking account of any reasonable adjustments that

may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Company will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Company considers it has good reasons, unrelated to any protected characteristic, for doing so. The Company will comply with its obligations in relation to statutory requests for contract variations. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Company will monitor the composition of the existing workforce and of applicants for jobs (including promotion) in accordance with the protected characteristics and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Company cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Company may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the College identifies as being under-represented in particular types of job.

Customers, suppliers and other people not employed by the Company

The Company will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

Training and Development

The Company is committed to ensuring staff receive information and training to enable them to understand their obligations with regard to equality and diversity.

Roles and responsibilities

Everyone at the company has a duty to promote the values and principles set out in this policy.

All members of the Company community (staff, learners and visitors) are expected to adhere to the standards, principles and duties of this policy.

All staff are required to undertake the training and development needed to help them to do so.

Managers have a duty to act as role models with regard to this policy and to ensure staff adhere to this policy and are given the opportunity to develop the necessary skills and understanding

Senior managers have a duty to monitor the general equality duty among learners and the workforce and in the application of relevant policies and practices.

Employees can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you may have been a victim of unlawful discrimination, you may use the Company's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The Company will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

The Company recommends that you use the grievance procedure to highlight issues related to equality and diversity. This will not affect your right to make a complaint to an employment tribunal if, having exhausted the grievance procedure, you are still dissatisfied with the Company's response to your complaint. Complaints to an employment tribunal must normally be made within three months of the last stage of the grievance procedure.

Monitoring and review

This policy will be monitored periodically by the Company to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Company will report on the age, ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups. Reports will also be produced on the remaining characteristics so that the Company can review its equality and diversity policy in accordance with the results shown by the monitoring. If changes are required, the Company will implement them.

Information provided by job applicants, staff and others for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018.

Sources of help and information

All Company policies and procedures relevant to Equality and Diversity will be published on our website. Candidates who are concerned that they may be the subject of discrimination are encouraged to discuss their concerns with the Company's training staff.

Staff who are concerned that they may be subject to discrimination or who are uncertain about their obligations in this respect are encouraged to discuss their concerns with their line manager or with a member of the HR department

Complaints

Written complaints by candidates should be addressed to the Training Director.

Staff wishing to make a complaint about matters concerning employment are encouraged to speak to their line manager or a member of the HR team.

Signature:



Name: Derek White
Title: Training Manager
Date: 01 March 2019
Review: April 2020