



November | **2010**

Equality and Diversity Policy

tpm presents its' Equality Act 2010, revised policy and arrangements

Consultation

This policy document was constructed and devised in collaboration and consultation with the views and opinions of staff, learners, employers and external agents which were solicited by means of formal and informal feedback processes, including employer and learner feedback monitors, staff questionnaires and the evaluation of staff and learner equality & diversity awareness training.

This policy document was formed on behalf of the Training Plus merseyside (**tpm**) Board of Directors and the **tpm** Board and Management Team has committed to:

'develop, monitor, implement, foster ownership of and encourage practice methods, which effectively implement the improvement actions, commitments and principles of this Equality and Diversity Policy with all employees, learners, employers and sub-contractors'.



1.2 Purpose and scope

The purpose of this document is to provide all **tpm** staff, learners, corporate clients and collaborating employers or sub-contractors with clear information, guidance and a continuing stake hold in our continuous improvement of equality and diversity practices and procedures. This policy document is therefore produced and circulated widely in order to make transparent the core principles by which **tpm** intends to conduct business, the inclusive culture we operate and to publicly communicate the methods by which this will be achieved.

1.3 Aim

tpm is committed to eliminating discrimination and encouraging diversity amongst our workforce and client groups. Our aim is that our workforce will be truly representative of all sections of society and each employee feels equal, respected and able to contribute.

To that end the purpose of this policy is to provide equality and fairness for all in their employment and training and not to discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, skin colour, nationality, national origin, religion or belief, sex and sexual orientation. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

1.4 Our commitment

tpm will strive to create a working environment which reflects:

- A working environment which celebrates differences and similarities alike and where this diverse experience makes positive contribution to learning, teaching, support services, research, consultancy, administration and management
- All employees, learners and clients feel valued and respected, by their employer and by each other and are treated with dignity
- Every employee and learner is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying (including cyber-bullying) or harassment will be tolerated.
- Our Zero-tolerance commitment will be communicated and signed by all staff and learners.

- The workforce is responsive to training and employment opportunities and **tpm** is representative of the diversity of clients and employees that merseyside offers
- An ethos, which, makes the most of the skills and talents of all colleagues and clients to sustain a successful business
- Fair and open promotion, based on merit and ability, ensures a fair chance to everyone
- Opportunities for progression where staff and clients alike are encouraged to achieve highly and attain their full potential in society
- Breaches of our equality and diversity policy will be regarded as misconduct and could lead to disciplinary proceedings.
- This policy is fully supported by the Board of Directors and Senior Management.
- This policy will be monitored and reviewed annually.

1.5 Social inclusion / exclusion

The Social Exclusion Unit describes social exclusion as:

“Shorthand for what can happen when people or areas suffer a combination of linked problems such as unemployment, lack of skills, low incomes”

tpm acknowledges that in society, groups of individuals become socially excluded for many and varied reasons and often a combination of factors, including:

- Discrimination because of race, gender or sexual orientation, disability, mental health, unemployment, low income, substance and drug use, unlawful behaviour, homelessness, diminished opportunity to access education and associated lack of basic skills, because English is not their first language or because they are asylum seekers or refugees.
- Individuals may be socially excluded for a multiple of reasons or by a variety of different factors.
- In addition to being excluded because of one or more of these factors, many people live in geographic communities, which, are themselves, deprived and as such, may experience additional discrimination because of where they live.
- There may be little or no family experience of employment and or training/education.
- Other individuals will be members of minority communities that are not geographical e.g. lone parents, disabled people, individuals from Black, Asian and other racial or cultural minority origin and people who live with and are affected by domestic/sexual abuse or HIV for example.

tpm acknowledges that without support and or active intervention, access to training or realistic work opportunities, that many vulnerable young people will grow up to become excluded adults. Whilst these examples illustrate the diversity of issues and multiplicity of factors, which can lead to social exclusion, they are not an exhaustive list.

1.6 Discrimination

tpm recognises that in society groups and individuals are discriminated against on the grounds of their: Race, Culture, Gender, Gender-reassignment, Disablement, Age, Pregnancy and Maternity, Socioeconomic background, Sexual orientation, Marriage or Civil Partnership, Social class, Religion and beliefs, Previous criminal conviction, HIV status (and mode of transmission), Mental Health, Learning difficulty/need, Substance use and Physical appearance etc.

tpm is convinced that it is morally wrong to hinder equality of opportunity and diversity on these grounds and further, recognises that passive policies will not in themselves provide a remedy. **tpm**



will therefore undertake positive steps to redress discrimination, effectively raise awareness through systematic training and to increase equality of opportunity and embrace diversity. **tpm** accepts the need to challenge the notion that equal treatment is simply and literally, a matter of treating everyone the same; that equal treatment is the same treatment. Moreover that additional action may often be required to ensure equally appropriate treatment in relation to need.

tpm will ensure good practice in the form of consistent and relevant criteria for selection and training. Grievance and disciplinary procedures will be established, used and monitored from within, as will all other conditions of employment and work practices.

In providing access to employment and training services, **tpm** will not knowingly exclude anyone on the grounds of any of the criteria set out in clause 1.3 **tpm** opposes all such discrimination and will engage in positive and proactive challenge of such discrimination using laid down procedures.

tpm is operationally bound to work within the contractual terms of certain organisations such as the Skills Funding Agency and or the Young Persons Learning Agency in respect of Government funding entitlements and associated age banding. However bespoke services are made available to all clients under published and competitive 'Private Funding Rates' irrespective of any other qualifying criteria.

1.7 Legislation

In addition to its social responsibility, **tpm** recognises the statutory requirements laid down in legislation:

The Equality Act came into force in October 2010 providing a modern, single legal framework for tackling disadvantage and discrimination.

The Equality Act is the Government's new law to make sure all people are treated fairly. It affects people in England, Scotland and Wales. We needed this new Act to make the equality laws clearer and stronger. It brings together 9 big equality laws and about 100 smaller laws. Bringing these laws together makes it a lot easier for employers and other people to know what they must do. It will also help everyone understand the law.

The nine big equality laws that have merged are:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2006, Part 2
- Equality Act (Sexual Orientation) Regulations 2007

Stronger laws were needed because the old equality laws did not bring about equality quick enough. For example:

- many women are paid less than men for the same kind of work
- clever children from poorer families do less well at school
- disabled people are a lot more likely to have no job
- people of different races find it harder to get a job

- many lesbian and gay people are worried about asking police for help in case they are treated unfairly
- many people who have changed their sex do not use public services like swimming pools because they think they will not be treated well

The Equality Act helps many of the different groups of people in England, Scotland and Wales who sometimes get treated unfairly:

- Women and Men
- People of different races
- Disabled people
- People with different religions or beliefs or no religions or beliefs
- People of different ages
- Lesbian, gay and bisexual and straight people
- People who have changed their sex (Trans people)

Protected characteristics

The Equality Act 2010 introduces the notion of 'protected characteristics' which it will monitor to ensure fairness. These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality Laws before October 2010

Where an act of discrimination happened before the 1st October 2010, the previous equality laws will apply (for example the Race Relations Act, Sex Discrimination Act and the Disability Discrimination Act). You should refer to the Equality and Human Rights Commission's (EHRC) guidance on those laws. www.equalityhumanrights.com

Equality Law from October 2010

Where an act of discrimination started before the 1st October 2010 but continues afterwards, or occurred on or after the 1st October 2010, the Equality Act 2010 will apply and you should refer to the Equality and Human Rights Commission's guidance on the Equality Act 2010.

2 Equality and Diversity Definitions

The primary definition and scope of this policy is intended to focus improvement activities on the following:

Equal Opportunities

This is often described as 'everyone being the same'. This is somewhat out-dated and today when we talk about equality we describe it in terms of everyone being different but treated with an equal level of respect and having equal access to services, training, employment, statutory rights etc.

Diversity

Diversity is about valuing and embracing the differences in people, whether that relates to gender, race, disability, age or a host of other individual characteristics which may or may not be covered by legislation. Diversity can be said to describe the range of visible and non-visible differences that exist between people. One of the ways that **tpm** like to embrace diversity is implicit in the following statement: 'Celebrate our differences; celebrate our similarities'.

2.1 Discrimination Definitions

The following definitions have been sourced via current employment legislation and advisory bodies such as the Equality and Human Rights Commission (EHRC) and Advisory, Arbitration and Conciliation Service (ACAS).

Direct discrimination: This is when someone is treated less favourably than another because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Example 1. Direct discrimination based on Sexual Orientation: Christopher, the manager, turns down Julie’s application for promotion to supervisor. Julie, is a lesbian, and finds out that Christopher turned her down because he believes the team that she applied to supervise is homophobic. John thought that Julie’s sexual orientation would stop her gaining the team’s respect and managing them well. This is direct (sexual orientation) discrimination against Julie.

Indirect discrimination: This is when a condition, criteria, rule or even a practice in the workplace applies to everyone, but particularly disadvantages people who share a protected characteristic.

Example 2. Indirect discrimination based on religion and belief: An employer enforces a dress or uniform code that requires men to be clean-shaven and women to wear skirts. Aadila is a Muslim Woman, and is culturally obliged to keep her legs covered whilst, Balbir is a Sikh man, who in accordance with his religious beliefs does not shave his beard or cut his hair. This is indirect (religion and belief) discrimination against Aadila and Balbir.

Dual discrimination: is when someone is treated worse than other people because of a combination of two things.

- If they are a woman or a man
- If they are a transsexual
- If they have a disability
- If they are lesbian, gay, bisexual or heterosexual (straight)
- Their age
- Their religion or belief
- Their race

Example 3. Dual Discrimination based on race and sex: Hana works for an employer who treats black men and white women fairly but treats Hana worse because she is a black woman. Hana is discriminated against because of the combination of being a woman and black.

2.2 Implementing tpm’ commitment to anti-discriminatory practices.

2.2.1 Any qualifications or requirements for a job which effectively restrict it to applicants of one gender, to single people or to a single group of people, shall apply only if they are justifiable in terms of the job to be done i.e. a ‘genuine occupational requirement’ (Glossary).

2.2.2 All staff will undertake systematic compulsory equality and diversity awareness training and induction, annual equality and diversity CPD and 3 yearly refresher training. Staff should note that the Company’s Employment and Training Policy includes specific reference to procedures, which underpin and support implementation of practices described in this document.

2.2.3 Where appropriate and legal, staff will be given additional training, appropriate reasonable adjustment and encouragement in order that they achieve equality of opportunity within the organisation.

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2.2.4 Age limits for employment should not be restrictive unless they affect a person's ability to carry out the duties as outlined in the job description/s. It is the assertion of this Company that this would be rare and unlikely.

2.2.5 Each individual should be assessed according to her or his actual capacity to carry out a given job. It should not be assumed that certain work is relevant to only women or only men; this is illegal except in circumstances where gender is a genuine occupational requirement. e.g. Requiring a male/female to protect the dignity of men/women in a residential establishment. **tpm** will not collude in any practice/s or requests by any external agent/s which it believes discriminatory or a contravention to this policy. Furthermore, **tpm** will effectively challenge external agent/s in such circumstances, offering advice, guidance or awareness training where appropriate.

2.2.6 Action will be taken to provide increased employment opportunities for people who live with a disability and that assumption is not made about the ability to do certain work. This action will include various measures to increase physical access to and within **tpm**. Wherever appropriate principles of the Company's membership of 'Positive About Disabled People Scheme' with Job Centre Plus will be implemented through the Disability Employment Advisor and Access to Work Assessment/s. The Company's leadership and management will continue to prioritise and implement systematic access improvements through the implementation of Access Audit detailing these in our Disability Statement and making this publicly available through the Company website.

2.2.7 Action will be taken to provide increased employment opportunities for people from different racial and ethnic backgrounds and that no assumption is made about their ability or inability to perform certain types of work. This action will include various Equality and Diversity Implementation Measures (EDIMS) monitoring and development measures (including provisions made in the Equality Act 2010) to increase participation and racial diversity at **tpm**. *This development will not be led by a desire to simply meet a quota or %; moreover the business will continue to foster and invest in resources and training which lead to a culture and environment which increasingly demonstrates and maintains true representation of the local communities and society.*

2.2.8 A positive working and learning environment will be fostered and maintained so that all staff and learners can if and when they wish to, be open about their sexual identity/orientation and lifestyle and culture without fear of discrimination or less favourable treatment. **tpm** endorses the reality that people who identify as lesbian, bi-sexual, trans-gender and gay, culturally or otherwise, are distinct or different from, not inferior to heterosexuals.

2.2.9 **tpm** undertakes proactively to ensure that its' employees, learners, employers or placement providers have solid and meaningful policy, procedure and training to guide and support best practice methods of conduct and professional practice in respect of equality and diversity. Staff will be provided with Handbooks (containing policy and procedures) and compulsory training and annual CPD; learners will be provided with comprehensive initial assessment, induction resources and training; employers will be provided with employer manuals (containing policy and procedures) and where willing to attend training at reduced and competitive prices, sufficient to understand equality and diversity and effectively challenge discrimination in all forms.

2.2.10 **tpm** will work actively and strategically to comply with the Equality Act 2010 in every respect of complying with or exceeding requirements to make reasonable adjustments for access to buildings and inclusive training programmes and employment for staff and clients alike.



3 Oppression (definitions).

3.1 Racism consists of a combination of power and prejudice at a personal, structural and institutional level. It is having the power to put in to action, one’s prejudice at the expense of a particular group, individual, race or culture. Power is an ability to make things happen or prevent them from happening. Prejudice is an unfavourable opinion, feeling, action or judgement, often based on a person’s race, skin colour, ethnic or national origin.

The importance of ensuring that all racist incidents are reported and recorded is an accepted principle in combating racial discrimination. The Macpherson Report (Investigated the circumstances which led to the death of Stephen Lawrence) recommended that a new definition of a racist incident should be universally adopted by the police, local government and other relevant agencies, that being:

“A racist incident is any incident, which is perceived to be racist by the victim, or any other person.”

The report explains that: This means that if anyone – the victim, a witness, a police officer or a council official – perceives an incident as racist, it should be recorded as such, regardless of any dissenting views.

tpm provides Multi-Agency Racial Incident Support Packs for training, information and reporting of racist incidents.

3.2 Sexism occurs at a personal, structural and institutional level. Sexist attitudes often imply traditional or stereotypical values and roles for men or women, which when enforced can and do lead to less favourable treatment/discrimination. Often sexist views of women involve a belief that women are inferior to men and/or have a specific role to play, which is to serve the needs of men, i.e. either as wife and carer or for sexual gratification. Sexism also involves the use of power to maintain this view of women as a reality.

3.3 Heterosexism is a predisposition towards heterosexual people. A related term is Sexual Prejudice, a negative attitude toward someone because of her or his sexual orientation. Heterosexism is predicated by the assumption that heterosexuality is the only ‘natural’ form of sexuality. As with other forms of discrimination, it involves a combination of prejudice and power.

3.4 Homophobia is discrimination against lesbians, gay men and bisexuals at a personal, structural and institutional level. **Homophobia** is the irrational fear of, aversion to, or discrimination against homosexuality or homosexuals. It can also mean hatred, hostility, disapproval of, or prejudice towards homosexual people, sexual behavior, or cultures.

3.5 Disablism consists of oppressive views by non-disabled people at a personal, structural and institutional level, whereby there is a systematic exclusion from mainstream life by means of segregation. People living with a disability experience inaccessible buildings and transport and face discrimination in employment and service provision. Negative attitudes and images and non disabled peoples ‘Medical/Impaired’ based definitions of disability, further oppress and exclude disabled people from decision making processes and mainstream culture.

4 Harassment (definition).

4.1 This consists of conduct that is **believed by the recipient or another person** to be offensive, detrimental or unfavourable in it’s impact. Harassment may include unreciprocated and unwelcome comments, looks, actions, materials, suggestions or physical contact. Harassment is



unwanted conduct which may create the effect (intentionally or unintentionally) of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual’s learning, working or social environment or induces stress, anxiety, fear or sickness on the part of the harassed person. It is the impact of the action or conduct on the recipient that is key to determining what is or is not harassment – and not the intent of the perpetrator.

4.2 There are many types of harassment and increasingly different media and technologies are used to bully (cyber-bullying). **tpm** has developed separate learner policy and procedures for staying safe online and learners are systematically trained on safe internet use and supported by ‘Online Safety Guidelines’. Some examples are given here:

- Unwanted physical contact, ranging from unwanted touching to serious assault.
- Written or verbal comments or statements of a humiliating or intimidating nature
- Jokes that the person feels are offensive; offensive banter; offensive language or gossip/slander/images; racist, sectarian or homophobic statements or songs
- Offensive posters/images, pictures or written materials, texts and email, graffiti, obscene gestures, flags or emblems
- Cyber-bullying including sending offensive or threatening messages and or images using e-mail, phone texting, web sites and social media.
- Unnecessary pressure and stress, created for example, by offers of reward for sexual favours or pressure to participate or not participate in political, religious or social groups
- Isolating and or excluding an individual or unfair obstruction of a colleague
- Humiliating, ridiculing or giving excessive work loads which are unrealistic or unachievable; making unfair comments about performance in front of other colleagues or clients
- unjustified intimidation at meetings, in written documents or email

4.3 Bullying and Cyber-bullying are particular forms of harassment, where someone abuses his or her real or perceived, sense of authority and or power to intimidate and insult or force or prohibit a particular action or behaviour from another person or persons. Bullying can be described as persistent actions, criticism or personal abuse, either in public or private, which humiliates, denigrates, undermines, intimidates or injures the recipient.

4.4 An essential characteristic of harassment is that it is unwanted by the recipient. Bullying can be defined as persistent actions, criticism or personal abuse, either in public or private, which humiliates, denigrates undermines, intimidates or injures the recipient leaving them frightened that their personal safety is threatened. **tpm** will not tolerate bullying of any form.

5 Different racial and minority communities

5.1 tpm is opposed to all forms of racism and discrimination. The Company and its representatives will enforce this policy and all that it encompasses to ensure and enable all individuals a fair and equal chance of developing their skills, abilities progression and achievements. **tpm** will make full and effective use of its’ actual and potential staffing resources. Moreover, members of different racial and minority communities will have a special knowledge and experience which is of particular value to the services that **tpm** provides to its’ multi-racial and multi-cultural community.

5.2 tpm is aware of the ways in which people from different racial and ethnic communities experience discrimination, both through overt racism and indirectly, by the imposing of inappropriate selection criteria for employment etc. For example, expectation or assumption about



speech, style of dress and self-presentation at interviews which may discriminate against people from different racial and ethnic minority communities.

5.3 Recruitment and Selection Procedures will be implemented systematically and will be kept under review to ensure they are not directly or indirectly discriminatory; that individuals are selected, promoted and treated on the basis of skill, merit and ability. **tpm** recognises that, although it is not legally required, positive measures are allowed by the Equality Act 2010, to encourage employees and potential employees (by means of training) into employment, where people from particular racial communities have been under represented in particular types of work. **tpm** will utilise these legal measures to develop and maintain a representative workforce.

5.4 **tpm** recognises that racial harassment is a major form of discrimination and totally condemns it. This exists in many forms ranging from physical abuse to more subtle ways of creating uneasiness and discomfort for people different racial and ethnic communities. An equality and diversity policy cannot be successful unless racial harassment is dealt with immediately and effectively.

6 Victimisation

6.1 Victimisation is punishing or treating an individual unfairly because they have made a complaint, or are believed to have made a complaint, or who has or believed to have supported someone who has made a complaint/grievance or reported a discriminatory incident. Victimisation is covered in the Equality Act 2010 and is illegal. It is unlawful to treat less favourably than another person/s, someone who has made a complaint of discrimination or someone who has given evidence in a complaint, where that complaint was brought in good faith.

6.2 Victimisation can occur for example, by ‘overlooking’ the (complaining) individual for promotion or a pay rise, giving unnecessary burdensome duties or finding some spurious reason for dismissal.

7 Implementation of Policy and Commitment to Training

7.1 **tpm** has an active commitment to equality of opportunity in employment of staff, in the provision of its’ services to learners and fosters recognition of this policy within its’ commercial networking with employers and partnerships with external agents. **tpm** will strive to ensure that its’ services are equally available to all people. It will resist and challenge all forms of discrimination and will actively support its’ staff, learners and other clients when confronted by such, including the use of disciplinary procedures to uphold the principles of this policy.

7.2 **tpm** will make public its’ Equality and Diversity Policy and will make it available to all staff, learners, placement providers, associated employers and clients.

7.3 All staff, sessional workers, guest trainers or contractors, learners, placement providers and associated employers have a personal responsibility to work in accordance with and foster promotion of this policy and the principles within.

7.4 All staff and learners will receive free certificated and nationally accredited Equality and Diversity Awareness Training, either as an integral part of their staff induction/CPD processes or as part of their chosen Apprenticeship Framework (Training). Understanding and compliance with this policy document forms an integral aspect of the above-mentioned awareness training.

7.5 As part of a continuing commitment to it’s employers group, **tpm** pledges to provide at minimal charge, a structured open learning workbook and one days training to any learners’

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employer or supervisor or placement manager (one person per company), in order to ensure that learner training has appropriate follow up and support for development and impact within the learner’s company.

8 Monitoring

8.1 The purpose of monitoring is to ensure that this policy is being implemented. Equal Opportunities monitoring forms will be integral to or issued with all employee and trainee applications.

8.2 Statistical information gained from monitoring in conjunction with the Human Resources Department will be directed to the Equal Opportunities Co-ordinator, on a quarterly basis for evaluation and analysis. Recommendations and reports will be presented to Company Directors and all staff at Company meetings and annually during Self Assessment Reporting.

8.3 **tpm** will regularly monitor the statistical information in relation to the access to services by all sections of the community and proactively address under-representation. Action and improvement that arises out of analysis of statistical data monitoring will be agreed and published through annual self assessment processes and quality improvement plans.

9 Contravention of the policy

9.1 Victimisation, discrimination and harassment will only stop if everyone acknowledges its’ reality and existence. The body of people who comprise **tpm** have a responsibility to ensure that victimisation, discrimination and harassment does not take place and when and if it does it is identified and reported. **tpm** will ensure appropriate investigation and remedial action and support is provided in the event of a contravention of policy being reported.

9.2 In the event of any contravention of this policy the Company’s disciplinary or grievance procedures will be initiated to investigate the allegation/s. Where the relevant investigation finds that a contravention of the policy has taken place appropriate disciplinary action will be enacted and recorded. In some cases however, the grievance or disciplinary panel by making explicit that certain behaviours are unacceptable (formal reprimand), may eliminate the problem without need for further formal action. Informal action will only be taken when all parties (including the complainant) concerned agree this is sufficient and appropriate. No one will ever be treated as if they have been over sensitive about an issue.

9.3 It is understood that people are often afraid to report incidents, for fear that no one will believe them or that they will be ostracised and told that they have ‘no sense of humour’. At worst people can feel that they will be accused of provoking the incident or fear a denial of future opportunities or services. **tpm** will take seriously any reported incident and investigate it fully in accordance with internal procedures. The Public Interest Disclosure Act 1998 (Whistleblowing) provides protection for workers to disclose outside of the organisation where a matter of concern has been reported in writing within the organisation and has either been ignored or remained unresolved.

9.4 **tpm** will ensure that prompt action will be taken when policy contraventions arise. A reported incident must be dealt with in accordance with the Company’s grievance and or disciplinary procedure/s. Timescales for responding to grievances and disciplinary contraventions are detailed within these policies.

9.5 All reports of policy contraventions will be reported to the Equal Opportunities Co-ordinator within **tpm** in a confidential and objective manner.

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10 Dismissal, Discipline and Grievance Procedures

10.1 Since October 2004 all companies are required by law to have written (statutory minimum 3 step requirement) Dismissal, Discipline and Grievance procedures. Whether dealing with a grievance or disciplinary matter the essence of the new statutory 3 steps are the same:

- Step 1. Put it in writing
- Step 2. Meet and Discuss
- Step 3. Provide the right to Appeal

These procedures must be made available to all staff; this is usually in a staff handbook. It is also invariably the norm that Companies have a formal complaints process for clients.

10.2 Disciplinary and grievance procedures provide a clear and transparent framework to deal with difficulties which may arise as part of working relationships from either the employer's or employee's perspective. They are necessary to ensure that everybody is treated fairly in similar circumstances, to ensure issues are dealt with fairly and reasonably and that they are compliant with current legislation.

10.3 All individuals should have access to and be aware of the procedures within their own company. Line Managers and Supervisors within companies have the responsibility to ensure that all staff know their Company's systems and procedures and how to use them. Whilst employees may never need to use these procedures; it is vitally important that they know what to do, how to go about it and who to report it to.

10.4 At **tpm** all staff receive a structured six month probation/induction period and a staff handbook which contains all people policies, systems and procedures. This handbook contains the company Complaints and Dismissal, Disciplinary & Grievance procedures.

10.5 Most employers would introduce you to their written policies, systems and procedures when being initially inducted into the company and during probation.

10.6 At **tpm** learners are introduced to the Company's complaints, grievance and disciplinary procedures straight away, either at the training centre on 'Induction Day' or at their workplace during their 'First Visits' from their personal assessor. These procedures are reproduced in the 'Learner Handbook'. Learners who experience difficulties with the delivery of their training/assessment or relationships with **tpm** staff or fellow learners should refer to the Dismissal, Disciplinary and Grievance Procedures in the Appendix of this Policy or their Learner Handbook.

10.7 If anyone feels that they have been unfairly or less favourably treated or harassed at work, they should not be afraid to take action and follow their Company's Grievance or other appropriate procedures where they exist. The Line Manager or Supervisor should be informed immediately in person, in writing or by e-mail. Where an employee has a grievance with their Line Manager or Supervisor they would normally speak to that Manager or Supervisor's Manager. Information and advice about these matters can be accessed from ACAS on 08457 47 47 47 or online at www.acas.org.uk You can also speak to any member of **tpm** staff at anytime. Alternatively, if you need help and support to address an issue of immediate concern, call 0151 709 6000 and ask to speak with the Equal Opportunities Co-ordinator (Director, Brian Quinn).

10.8 If you are aware that another person is being unfairly treated or harassed at work you should encourage them to seek support and speak out in whatever way they feel they can, send an



e-mail, a letter, ask someone else to say it for them, but do what you can to ensure they get help to follow their company grievance procedures.

10.9 N.B. Learners Remember: that whether you are employed or not; as a **tpm**, funded by the Skills Funding Agency or otherwise, you are covered by the principles and covenants of this policy and as such entitled to ask for our help if you have concerns relating to equality and diversity matters around your employment or your training and assessment.

Policy Authorised and enacted:

Signed: Date: January 2011

Brian G. Quinn:

Director of Human Resources
Equality and Diversity Co-ordinator

Glossary of terms

Act

A law or piece of legislation passed by both Houses of Parliament and agreed to by the Crown, which then becomes part of statutory law (i.e. is enacted).

Affirmative Action

Positive steps taken to increase the participation of under-represented groups in the workplace. It may encompass such terms as positive action and positive discrimination. The term, which originates from the United States of America, is not used in the Equality Act.

Age

This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds, or people over 50).

Agent

A person who has authority to act on behalf of another ('the principal') but who is not an employee.

All reasonable steps

In relation to harassment by an employee, all the things which the employer could reasonably have done to stop it; in relation to reasonable adjustments, 'reasonable steps' is another term for the things that the employer could reasonably have done to remove the disadvantage.

Alternative format

Media formats which are accessible to disabled people with specific impairments, for example Braille, audio description, subtitles and Easy Read.

Anticipatory duty

For service providers, the duty to make reasonable adjustments is anticipatory; within reason, it is owed to all potential disabled customers and not just to those who are known to the service provider.

Auxiliary aid

Usually a special piece of equipment to improve accessibility.

Auxiliary service

A service to improve access to something often involving the provision of a helper/ assistant.

Black

Defined by black people themselves not only to describe skin colour but also specific life experiences and cultural aspects of life. Therefore 'black' is used to encompass a range of people from different racial groups.

Bullying

Bullying can be described as persistent actions, criticism or personal abuse, either in public or private, which humiliates, denigrates, undermines, intimidates or injures the recipient.

Bi-sexual

Physical and or emotional attraction to men and women.

Closet

(or 'in the closet') A term used when a person keeps their sexual orientation hidden or un-disclosed. i.e. Lesbians, bi-sexuals or gay men who keep their sexuality hidden from others for fear of harassment, stigma and oppression.

'Come out'

(or 'out') A process, which involves being open and honest about one's sexuality. More specifically, lesbians, bi-sexuals and gay men who have previously kept their sexuality hidden and then make a decision to 'come out' or declare their sexuality openly. 'Outing' someone means openly informing others about an individual's sexuality, without their permission to do so.

Code of Practice

Is a statutory guidance document which must be taken into account by the Courts when applying the law and which may assist people comply with the law.

Different needs

Refers to the different requirements that people with protected characteristics may have which either must or should be met to provide equality, including equality of opportunity and access.

Direct discrimination

less favourable treatment of a person compared with another person because of a protected characteristic.

Disability

A person has a disability if s/he has a physical or mental impairment, which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Disadvantage

A detriment or impediment – something that the individual affected might reasonably consider changes their position for the worse.

Disadvantaged

When someone suffers a detriment or finds an impediment to enjoying a benefit in comparison with others because of a characteristic of theirs; encountering a pre-existing barrier which is inherent in their workplace but which doesn't have the same effect on others

Disabilism

(or abilism) A concept that distinguishes a certain proportion of society (those who have a physical disability, a mental illness, or emotional, behavioural or learning difficulty) from the so-called 'able-bodied' majority.

Discriminate unlawfully

When an employer has treated someone less favourably because of a protected characteristic (discriminated against them) and does not have a valid defence.

Discriminating directly or indirectly

Refers to discrimination because of a person's protected characteristic (direct); or discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic (indirect).

Diversity

Where many different types of people are included.

Duty to make reasonable adjustments

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids.

Equal pay audit

Comparing the pay of women and men who are doing equal work in an organisation, and investigating the causes of any pay gaps by gender or working pattern. The provisions in the Act directly relating to equal pay refer to sex equality but an equal pay audit could be used applied to other protected characteristics to help an employer equality proof their business.

Equal work

A woman's work is equal to a man's in the same employment (and vice versa) if it is the same or broadly similar (like work); rated as equivalent to his work under a job evaluation scheme or if she can show that her work is of equal value to his in terms of the demands made of her.

Equality policy

A statement of an organisation's commitment to the principle of equality of opportunity in the workplace.

Equality training

Training on equality law and effective equality practice.

Gay

The term adopted by the Gay Liberation Movement of the 1960's in an attempt to affirm a 'truly joyous and alternative lifestyle' and to replace the term 'homosexual'. Homosexual men use 'Gay' predominantly.

Gender reassignment

The process of changing or transitioning from one gender to another.

Genuine occupational requirement

Where having a protected characteristic is an occupational requirement, certain jobs can be reserved for people with that protected characteristic (e.g. Women support workers in women's refuges; Ministers of Religion).

Harassment

Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. See below for sexual harassment.

Indirect discrimination

The use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic and applying the practice, provision or criterion cannot be objectively justified.

Less favourably

Worse, not as well as.

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated no less favourably than married couples.

Positive action

Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected characteristics

These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Provision, criterion or practice

Identifying a provision, criterion or practice is key to establishing indirect discrimination. It can include for example, any formal or informal policies, decisions, rules, practices, arrangements, criteria, conditions, prerequisites or qualifications.

Public bodies

Public bodies are defined as bodies which have a role in the processes of national Government but are not a Government department or part of one. They operate to a greater or lesser extent at arm's length from Ministers.

Public sector equality duty

The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.

Religion or belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Service provider

Someone (including an organisation) who provides services, goods or facilities to the general public or a section of it

Services, Goods or Facilities

This refers to services, goods or facilities provided to the public by public or private providers. The definition excludes public functions and benefits, facilities and services provided by clubs and associations. See also goods, facilities and services.

Sex

This is a protected characteristic. It refers to whether a person is a man or a woman (of any age).

Sexual harassment

Any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Transsexual person

Refers to a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. A trans-gendered ('trans', transsexual) person believes that they have been born into the wrong physical anatomy for their 'true' gender. Transsexuals are prepared to change their physical anatomy, through surgery and hormone treatment. The medical explanation describes this as gender dysphoria. There is an estimated 35,000 to 65,000 people in the UK . who according to Press for Change, feel convinced that they have been born into the wrong body.

Transvestite

A transvestite chooses to dress and act like members of the opposite sex. Many people find it hard to accept that a man or woman chooses to dress in this way and often, because of their physical appearance, transvestites suffer ridicule and hostility from the general public and rejection from their families. It is not against the law to be a transvestite or transsexual.

Transsexualism and transvestism have no connection with homosexuality other than some transsexuals and transvestites are lesbian or gay.

Victimisation

Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.

Worse

When someone is treated less favourably they are treated worse than someone else, literally something which is not as good as someone or something else.

Appendix

The Grievance Procedure

1. PURPOSE

This grievance procedure is intended to enable individual learners to raise grievances with Company management about aspects of their training and assessment experience or their relationships with staff and or other learners either by themselves or with a representative. It should be a simple and rapid operation.

Why have grievance procedures?

This procedure provides an open and fair way for learners to make known their problems and enables grievances to be resolved quickly before they fester or escalate and become major problems. The procedure aims to settle grievances fairly and as quickly as possible. It acknowledges and recognises that most routine complaints and grievances are resolved informally in discussions with the people concerned. This procedure outlines:

- how and with whom to raise the issue
- whom next to apply to if not satisfied
- time limits to each stage of the procedure
- the right to be represented
- the right to appeal and how to do it

The grievance procedure is every bit as important as that for dealing with discipline. For it to be used effectively, all staff are trained in how to deal with complaints honestly, professionally and promptly.

2. INFORMAL DISCUSSIONS

If you have a grievance about your training, assessment, the college environment, a member of staff or another learner or a work related problem you should first discuss it with the person/s concerned. If for any reason you cannot solve your grievance in this way you should discuss it informally with your personal assessor or Programme IV/Manager, without delay as they may be able to support/mediate the discussion for you and the person/s concerned. We anticipate that the majority of concerns will be resolved at this stage.

3. Grievance Procedure (Stage 1. Put it in writing)

If you feel that the matter has not been resolved through informal discussions, you should put your grievance in writing to your Programme IV/Manager. Any member of Training Plus Merseyside staff can help you with this.

The Programme IV/Manager must inform a Senior Manager immediately on receipt of your grievance; who will ensure that your Programme IV/Manager works with you to resolve the matter quickly. This will be by means of a meeting with your Programme IV/Manager and the Senior Manager detailed in the next point:

4. Grievance Procedure (Stage 2. Meet & Discuss)

The Company Senior Manager must inform The HR Director (or a Company Director) immediately on receipt of your grievance; who will ensure that your Senior Manager works with you and your Programme IV/Manager to resolve the matter quickly and are given a response within 5 working days.

At this stage you will be given the opportunity to attend a formal meeting. The senior Manager will chair and decide on the outcome of the grievance hearing. You may be represented or accompanied at this meeting by a fellow learner or by an official representative of your choice.

Grievance Hearing Panel

The Grievance Hearing Panel will normally consist of the following members:

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1. Learning Programme IV/Manger (responsible for the learner bringing the grievance)
 2. A Senior Company Manager
 3. Learner bringing the grievance
 4. Learner's representative



5. Grievance Procedure (Stage 3. Appeal)

If the matter is not resolved to your satisfaction, you should put your Appeal in writing to the Equal Opportunities Co-ordinator (or a Company Director) within 7 working days of the panel decision. You will be entitled to have a formal meeting with the Equal Opportunities Co-ordinator or Company Director to discuss your appeal. The Equal Opportunities Co-ordinator or Company Director will give his/their decision within 7 working days of the grievance appeal meeting being conducted. The Equal Opportunities Co-ordinator or Company Director decision is final.

Equalities Legislation Prior to The Equality Act 2010

Civil Partnership Act 2004
Data Protection Act 1998
Disability Discrimination Act 1995
Disability Discrimination Act 1995 (Amendment) Regulations 2003 (2005 Disability Equality Duty)
Disability (Meaning of Disability) Regulations 1996
Disability (Blind & Partially Sighted Persons) Regulations 2003
Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sexual Orientation) Regulations 2003
Employment Rights Act 1996
Employment Relations Act 1999 & 2004
Equal Pay Act 1970
Equal Pay Act 1970 (Amendment) regulations 2003
Equality Act 2006
Gender Recognition Act (GRA) 2004
Human Rights Act 1998
Maternity and Parental Leave etc. regulations 1999
Part Time Workers Regulations 2000
Public Interest Disclosure Act 1998
Protection from Harassment Act 1997
Race Relations Act 1976
Race Relations (Amendment) Act 2000 & (Race Equality Duty)
Rehabilitation of Offenders Act 1974
Sex Discrimination act 1975
Sex Discrimination (Gender Reassignment) Regulations 1999
Sex Discrimination act 1975 (Amendment) Regulations 2003 & (Gender Equality Duty 2007)
Special Educational Needs & Disability Act (SENDA) 2001



Acknowledgement of Understanding/Compliance: tpm Staff Copy

I have read, understood and agree to comply with the terms of this Equality & Diversity policy. I understand that violation and or breach of this policy may result in, disciplinary action, including possible termination and or civil and criminal penalties.

Name	Signed	Date
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Acknowledgement of Understanding/Compliance: tpm Staff Personnel File Copy

I have read, understood and agree to comply with the terms of this Equality & Diversity policy. I understand that violation and or breach of this policy may result in, disciplinary action, including possible termination and or civil and criminal penalties.

Name	Signed	Date
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