



# EQUALITY AND DIVERSITY POLICY

SCCU LTD LIMITED

VERSION 5.0

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## Version Control

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## Introduction and Policy Statement

1. Equality of opportunity, diversity and inclusivity is fundamental to the vision and values of SCCU Ltd and these very principles are at the heart of every operational aspect.
2. We value a diverse learner base and the individuality and creativity that every worker potentially brings to the workforce and SCCU Ltd is committed to developing, maintaining and supporting a culture of equality and diversity in employment in which staff are treated equitably, and where they can realise their potential whatever their protected characteristics or any other criteria that cannot be shown to be properly justifiable.
3. It is the aim of SCCU Ltd and this policy to ensure that, throughout their recruitment, selection and employment, all staff members of the company are treated fairly and with dignity and respect and where they can realise their potential whatever their background or protected characteristics.
4. It is also the aim of SCCU Ltd and this policy to ensure that, throughout their learning journey, all learners on every SCCU Ltd learning programme are treated fairly and with dignity and respect and are provided with equality of opportunity to achieve.
5. Equality is not about treating everyone the same, it is about ensuring that access to opportunities is available to all by taking account of the differences amongst individuals.
6. Diversity is about recognising and valuing differences through inclusion, regardless of protected characteristics.
7. SCCU Ltd is equally committed to developing, maintaining and supporting a culture of equality and diversity in service and learning provision in which learners feel free from bullying, unlawful harassment and victimisation.
8. SCCU Ltd will not tolerate any form of unlawful discrimination, bullying, harassment or victimisation and aims to promote a culture in which staff and learners feel supported and encouraged to challenge discriminatory and/or unacceptable behaviour at all levels.

### Scope

9. This policy applies to all SCCU Ltd venues, offices, operations, activities and services, without exception, and all SCCU Ltd staff at all levels of the organisational structure and includes self-employed contractors.
10. This policy, where indicated also applies to all learners and potential learners of SCCU Ltd, who are protected from bullying, harassment and victimisation and have a duty not to take part in any such behaviours.
11. This policy will equally apply to all SCCU Ltd operations and activities conducted on sites beyond SCCU Ltd's control wherever its staff members are designated to perform their contractual duties.

### Roles and Responsibilities

12. The Quality and Curriculum Manager and Managing Director are responsible for:
  - a. Accepting and reviewing complaints brought under this policy.
  - b. Initiating and arranging suitable individuals to investigate complaints.
  - c. Managing complaints and chairing disciplinary meetings or arranging suitable individuals to do so.
  - d. Arranging review of this policy annually.
  - e. Monitoring and reviewing complaints brought under this policy and ensuring that suitable action plans are initiated where disadvantages to groups are identified.
13. Managers will be responsible for:
  - a. Ensuring that awareness of our policy and procedure is raised with third parties; that harassment will not be tolerated and that complaints raised under this policy will be investigated and action taken against offenders found guilty of such as appropriate to protect staff members and learners from further occurrences.
  - b. Setting high standards for equality and diversity in all SCCU Ltd academies and workplaces and ensuring that all staff members and learners are aware of the requirements of this policy.

- c. Being vigilant within their workplaces and teams to identify and escalate behaviours that contravene this policy.
  - d. Supporting individuals who have been affected by discrimination, bullying, harassment, victimisation or hate crime.
  - e. Ensuring that actions taken under this policy are applied fairly, rigorously, and consistently.
  - f. Undertaking their role as the investigator or as part of the panel managing complaints where called upon by the Quality and Curriculum Manager or Managing Director.
14. Every member of staff carries personal responsibility for:
- a. Ensuring that their own behaviour at work is legal and in no way contravenes this policy.
  - b. Ensuring that this policy is translated into practice in all areas of employment and service provision.
  - c. Reporting any incidents of discrimination, harassment, victimisation or bullying that come to their attention, and take part in any investigation into such allegations.
  - d. Supporting SCCU Ltd in the development of a culture in which staff members and learners feel able and supported to report such concerns and have them fairly and robustly addressed.
  - e. Supporting colleagues or learners affected by discrimination, harassment, victimisation or bullying.
15. Every learner is responsible for:
- a. Ensuring that their own behaviour is legal and in no way contravenes this policy.
  - b. Reporting any incidents of discrimination, harassment, victimisation or bullying that come to their attention, and take part in any investigation into such allegations.

## Definitions

### The Equality Act 2010

16. The Equality Act 2010 and sections 28-32 of the Crime and Disorder Act 1998 and sections 145 and 146 of the Criminal Justice Act 2003 are legislation that protects individuals from discrimination and hate crime.
17. The Equality Act 2010 makes it unlawful to discriminate on the grounds of:
  - a. Age: The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified i.e. if it can be demonstrated that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.
  - b. Disability: The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Employers and service providers have a duty to consider and provide, where practicable, reasonable adjustments to support disabled individuals and overcome a disadvantage, and cannot treat a disabled individual unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). In addition, employers must ensure that rules and/or job requirements that may put disabled individuals at a disadvantage are justifiable and that health screening is only used in appropriate and justifiable circumstances. Discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.
  - c. Gender reassignment: The Act protects individuals who propose to, starts or has completed a process to change their gender. The Act no longer requires a person to be under medical supervision to be protected. It is discrimination to treat people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.
  - d. Marriage and Civil Partnership: The Act protects individuals who are married or in a civil partnership against discrimination. Single people are not protected.

- e. **Pregnancy and Maternity:** A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. An employer must not take into account a staff member's period of absence due to pregnancy-related illness when making a decision about her employment.
- f. **Race:** For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.
- g. **Religion and Belief:** In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words, individuals are protected if they have no religion at all. Additionally, a religion need not be mainstream or well known to gain protection but must have a clear structure and belief system. Denominations or sects within a religion can be considered a protected religion or religious belief.
- h. **Belief** means any religious or philosophical belief or a lack of such belief, all of which are referred to as individuals or groups with 'protected characteristics'.

## Discrimination

18. The Equality Act (2010) expands upon previous definitions of Discrimination and circumstances in which this may arise as follows:
- a. **Direct Discrimination:** Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
  - b. **Discrimination by Association:** It is direct discrimination if an employer treats a staff member or service user less favourably because of their association with another person who has a protected characteristic.
  - c. **Discrimination by Perception:** This is direct discrimination if an employer treats a staff member or service user less favourably because the employer mistakenly thinks that the staff member or service user has a protected characteristic.
  - d. **Indirect Discrimination:** Indirect discrimination may occur when an employer applies an apparently neutral provision, criterion or practice which puts staff members or service users sharing a protected characteristic at a particular disadvantage.



### Harassment

19. The Equality Act (2010) defines harassment as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.
20. The expanded definition above enables individuals to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant protected characteristic themselves.

### Third-Party Harassment

21. The Equality Act makes SCCU Ltd potentially liable for harassment of its staff or learners by people who are not SCCU Ltd staff members (third parties), such as learners, contractors, visitors, etc.
22. This could arise when harassment has occurred and SCCU Ltd has been made fully aware of this on previous occasions, but reasonable steps have not been taken to prevent it from happening again.

### Victimisation

23. Victimisation occurs when an individual is treated unfairly or unreasonably (suffered a detriment) because they have made or supported a complaint or raised a grievance under the Act; or because they are suspected of doing so.
24. An individual is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### Bullying

25. There is no statutory definition of bullying however the Advisory, Conciliation and Arbitration Service (‘ACAS’) defines bullying as offensive, malicious or insulting behaviour.
26. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure others.
27. Bullying tactics can include hostile verbal or nonverbal communication, sabotage, exclusion, manipulation, and psychological or physical abuse.

28. SCCU Ltd also considers intimidating behaviour to be included in the above definition of bullying.

29. Examples of bullying include but are not limited to:

- a. Competent staff or learners being constantly criticised, having responsibilities removed or being given trivial tasks to do,
- b. Shouting at individuals,
- c. Persistently picking on people in front of others or in private,
- d. Blocking promotion or advancement of opportunity for non-legitimate reasons,
- e. Regularly and deliberately ignoring or excluding individuals from inclusive activities,
- f. Setting a person up to fail by overloading them with work or setting impossible deadlines,
- g. Regularly making the same person the butt of jokes, and
- h. Upwards bullying - where any personal adversity or hindrance is followed by a search for someone or something to blame, rather than accountability for their actions.

30. The following actions and behaviours do not amount to bullying:

- a. Fair and reasonable criticism of performance or behaviour,
- b. Constructive feedback,
- c. Not being invited to a meeting or event where you are not required,
- d. Being placed on a performance procedure where your performance is not of an appropriate standard.

31. Although bullying is not identified by the Equality Act 2010 as an unlawful act it itself when not directed at individuals or groups not covered by the Act, SCCU Ltd will not tolerate bullying as the very nature of the actions go against our fundamental vision of promoting and ensuring equality of opportunity, diversity and inclusivity within our organisation.

## Policy

### When Does This Policy Apply?

32. This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g., at meetings, promotional events, social events and social interactions with colleagues) or which may impact SCCU Ltd's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to SCCU Ltd).
33. Some specific areas of application:

### Developing Job Descriptions and Setting Wages

34. Recruitment literature including job descriptions and advertisements will not imply that there is a preference for one group of applicants against another or exclude groups unless there is a genuine occupational and legal requirement that will be clearly stated. For example, a role the applicant must hold a driving licence may exclude individuals with certain disabilities.
35. Advertisements will ensure that every potential applicant for a role shall be given equal opportunity whatever their status except in the matter of an offending background where the criminal record history relates to the requirements of the post.
36. We will offer paid positions within the organisation based on objective, pre-determined job requirements alone.
37. We will pay individuals of all genders the same amount for the same role or where roles are comparable.

### Recruitment and Selection

38. Selection for employment at SCCU Ltd will be on the basis of aptitude and ability.
39. Further detail is set out in SCCU Ltd's Recruitment and Selection Policy.
40. Where possible, SCCU Ltd will capture applicants' diverse demographics as part of its recruitment processes to promote the elimination of unlawful discrimination.

### Training

41. Staff and learners will be given equal opportunities to access training as part of their role or chosen course of study.
42. Staff and learners may also be required to participate in training and development activities from time to time, to encourage the promotion of the principles of this policy.

43. The contents of this policy will be communicated to all staff members and learners during induction to their role or their qualification and thereafter at each subsequent policy review.

### Promotion

44. All promotion decisions will be made on the basis of merit and will not be influenced by any of the protected characteristics listed above. Promotion opportunities will be monitored to ensure equality of opportunity at all levels. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

### During Employment

45. The benefits, terms and conditions of employment and facilities available to SCCU Ltd staff members and learners will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate conditions to meet the special needs of disadvantaged or under-represented groups.

### Learners

46. SCCU Ltd assists, where practicable learners to access our courses or learning sessions.
47. At the access and application stage, we will be transparent about the requirements for the completion and passing of the courses we provide.
48. Learners and potential learners must abide by our terms and conditions which include but are not limited to acting in a manner that does not contravene this policy, and reporting any breaches of policy as per the complaints procedure below.

### Reasonable Adjustments

49. SCCU Ltd acknowledges that we have a legal duty to make reasonable adjustments to ensure that individuals are not prevented from working for us or accessing our services because they have a disability.
50. We will, where practicable and are made aware that an individual has a disability:
  - a. Change our practices and/or procedures.
  - b. Provide additional equipment, aids and services or change the environment.
  - c. Provide practical workarounds where a physical feature is a barrier to access by altering or removing the feature or providing the service by an alternative method.
  - d. Cover the costs of reasonable adjustments where practicable.
51. We will consider all requests for reasonable adjustments and work with individuals to overcome barriers, however, if we are not able to make such adjustments we will:

- a. Inform the individual of why the reasonable adjustment is not practicable.
- b. Where possible, discuss alternative arrangements which could be offered.
- c. Equality, Diversity and Inclusion

### Equality, Diversity and Inclusivity Code of Conduct for All

52. All SCCU Ltd staff and learners must:

- a. Treat all individuals including staff, learners, stakeholders and the general public encountered with dignity and respect.
- b. Embrace other's differences and acknowledge that every individual brings unique qualities to service and workplace.
- c. Never take part in any form of discriminatory, bullying, harassing or victimising behaviour.
- d. Have a basic awareness of the Equality Legislation, types of discrimination and the protected characteristics.
- e. Step in to stop and eliminate discriminatory behaviour when it occurs.
- f. Report any incidents where you feel that you have witnessed or have been a victim of discriminatory, bullying, harassing or victimising behaviour.
- g. Undertake and/or cooperate with investigations into breaches of this policy where required.
- h. Immediately report hate crimes or situations where the welfare of another is at risk to the authorities if you believe a crime has been committed.

53. Absolute compliance with this Equality and Diversity Policy is a condition of employment and learner contract.

### False or Malicious Complaints

- 54. SCCU Ltd gives an assurance that there will be no victimisation against a staff member or learner making a genuine complaint in good faith or against staff members or learners who assist or support colleagues or peers in making such a complaint.
- 55. Where an individual is found to have made a false or malicious complaint or accusation or has knowingly made false statements, SCU may take disciplinary action.

## Complaints Procedure

56. All complaints of discrimination, harassment or bullying will be treated seriously and dealt with promptly, efficiently and where possible in confidence.
57. The aim of the procedure is to resolve complaints of discrimination, harassment or bullying swiftly and confidentially.
58. Any staff member or learner may use the complaints procedure if they believe they have:
  - a. Been treated unfavourably in contravention of the Act and this Equality and Diversity Policy.
  - b. Witnessed any form of discrimination.
59. Any staff member or learner who believes they have been the victim of discriminatory treatment, or who has witnessed discrimination or harassment, may choose to take informal or formal action.

### Informal Action

60. Where possible the staff member or learner should talk directly and informally to the individual, they believe has discriminated against them, bullied, harassed or victimized them and explain their objection to their actions or conduct.
61. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable.
62. If the staff member or learner feels unable to approach the person or if they have already done so without any resolution, they may elect to raise a formal complaint as below.

### Formal Action

63. The staff member or learner should make formal complaints in writing, for the attention of the Quality and Curriculum Manager or Managing Director at:
  - a. VII Orchard Court, Harry Weston Road, Binley, Coventry, CV3 2TQ.
64. The complainant must identify the person who is alleged to have perpetrated discriminatory treatment and give specific examples of actions or conduct that the learner believes constitutes discrimination.
65. In the event of serious allegations, it may be necessary to consider whether to suspend the alleged perpetrator to prevent any further contact between the parties until the matter can be fully dealt with.

66. An investigation will be conducted and will be handled with due respect to the rights of the complainant and alleged perpetrator, where both parties will be interviewed separately where they will be provided with the opportunity to state their side of events and explain any conduct that forms the basis of the staff member's or learner's complaint.
67. If following the investigation, the complaint is founded, suitable and proportionate action will be taken promptly to remedy the discrimination and prevent any recurrence.
68. The organisation regards all forms of discrimination, bullying, harassment or victimisation as gross misconduct (except unintentional behaviour of a mild nature) and any staff member found guilty of this behaviour will be liable to proportionate disciplinary measures up to and including summary dismissal.
69. Learners found guilty of such behaviours will be accordingly sanctioned which may include being removed from their chosen course.
70. Disciplinary measures will also be taken against any learner or staff member who is found to have made a deliberately false or malicious complaint of discrimination.
71. SCCU Ltd will report criminal offences to the authorities.

## Monitoring and Reviewing

72. This policy interfaces with all relevant recruitment procedures with respect to job applicants, and procedures for assisting learners to access our services, and SCCU Ltd will endeavor to ensure that our policies, procedures and practices always comply with current legislative requirements.
73. This policy is available to all staff and learners and will be communicated to all interested parties and is agreed by the Board of Advisors and will be reviewed at least annually.
74. Monitoring complaints raised under this policy will include collecting data on the protected characteristics of both the complainant and the subject of the complaint to ensure that our policies and procedures do not put any group at a disadvantage.