

Policy 2 – Equal Opportunity, Diversity, Dignity and Respect (including IAG)



LD Training Services Ltd will ensure that all learners and employers are treated fairly and equally. We are committed to ensuring that all of our activities are relevant and meaningful to everyone who receives our services.

All learners and employees will be helped and encouraged to develop their full potential without discrimination. This may entail treating people differently in order to avoid discrimination by recognizing the diversity of individuals.

LD Training Services Ltd recognises that all learners have a right to work in an environment in which the dignity of individuals is respected and which is free from harassment and bullying. We continuously strive to eliminate intimidation in any form.

LD Training Services is committed to providing equal opportunities to all and values the diversity of everyone by taking into account gender, gender reassignment, race, ethnic origin, disability, age, nationality origin, sexual orientation, religion, belief, marital status, civil partnerships, social class, pregnancy, maternity or any other individual characteristic.

LD Training Services opposes all forms of unlawful and unfair discrimination.

1. DEFINITIONS OF TYPES OF DISCRIMINATION

<p>Definition of Direct Discrimination</p>	<p>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).</p>
<p>Definition of Discrimination by association</p>	<p>Applies to race, religion or belief and sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.</p>

<p>Definition of Perception discrimination</p>	<p>Applies to age, race, religion or belief and sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.</p>
<p>Definition of Indirect discrimination</p>	<p>Applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership, disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic.</p> <p>Indirect discrimination can be justified if it can be shown that the organisation acted reasonably in managing the business, i.e. that it is ‘a proportionate means of achieving a legitimate aim’.</p> <p>A legitimate aim might be any lawful decision made in the running of the business but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.</p> <p>Being proportionate means being fair and reasonable, including showing that ‘less discriminatory’ alternatives have been taken into consideration.</p>
<p>Definition of Harassment</p>	<p>Harassment is “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”.</p> <p>Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them and the complainants need not possess the relevant characteristic themselves.</p> <p>Employees are also protected from harassment because of perception and association</p>
<p>Definition of Third party harassment</p>	<p>Applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.</p> <p>The Act renders an employer potentially liable for harassment of employees by people (third parties) who are not employees of your company e.g. customers or clients. The employer will only be liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.</p>

Definition of Victimisation	Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
The Equality Act 2010 protects the following characteristics:	
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. The Act allows employers to have a default retirement age of 65 until April 2011.
Disability	<p>Under the Act, a person is disabled if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities e.g. using a telephone, reading a book or using public transport.</p> <p>The Act places a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively).</p> <p>It is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of 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.</p> <p>This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement disadvantages people with the same disability. It is also unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.</p>
Gender reassignment	The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not have to be under medical supervision to be protected. It is discrimination to treat transsexual people less favorably 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.

Marriage and civil partnership	The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.
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 may not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.
Race	'Race' includes colour, nationality and ethnic or national origins.
Religion or belief	Religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
Sex	Men and women are protected under the Act.
Sexual orientation	The Act protects bisexual, gay, heterosexual and lesbian people.
Positive action	The Act allows employers to take positive action if they think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

Pre-employment health-related checks

Health-related questions will only be asked prior to offering a job in order to

- assist in deciding whether any reasonable adjustments should be made for the person to the selection process
- decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- monitor diversity among people making applications for jobs
- take positive action to assist disabled people
- assure the employer that a candidate has the disability where the job genuinely requires the jobholder to have a disability

Once an applicant has passed the interview and a job has been offered (whether this is an unconditional or conditional job offer) it is permissible to ask appropriate health-related questions.

Equal pay – direct discrimination

In most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment.

However, the Act also allows a claim of direct pay discrimination to be made, even if no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work in the organisation.

Pay secrecy

It is unlawful to prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics.

The ethos of equal opportunities, diversity, dignity and respect in the learning environment is good practice and is extended to all we come into contact with as we provide our services.

LD Training Services takes equal opportunities seriously, embracing the following aims and objectives. We aim to:

- Value and respect diversity and benefit from our differences.
- Create a positive, safe, accessible environment and culture in which discrimination has no part and where everyone can achieve their full potential.
- Listen to, engage and collaborate with a wide range of partners, employers, learners and staff in order to continually improve our equality practice.
- Promote equal opportunities in all aspects of employment and learning.
- Support positive action programmes where there is a clearly identified need.
- Include equal opportunities into the mainstream of all our employment, learning provision and business decision by developing systems and processes which are accessible and transparent.
- Ensure all projects and programmes supported by the LD Training Services Ltd have equality and diversity as core components.
- Be accountable by setting targets, monitoring, evaluation and reviewing progress on a regular basis.
- Take necessary action when non-compliance with our policies is identified.
- Secure resources to ensure that our Equal Opportunities, Diversity, Dignity and Respect Strategies are implemented.

3. EQUALITY AND DIVERSITY GOOD PRACTICE WITHIN LD TRAINING SERVICES LTD

We aim for clarity, accessibility and compliance in all areas such as :

- Planning conferences and meetings (is there a balance of speakers? Are communications in an accessible language? Are timings work and family friendly?)
- Language and images (have we avoided jargon? Are images of people inclusive and showing non-traditional roles?)
- Advertising and marketing (are font styles clear and easy to read? Are colours acceptable to those with visual impairments? Is core information available in alternative formats?)
- The Law and Policy (are key laws adhered to regarding sex, race, disability and human rights? Can advice be given on how to identify and implement a positive action strategy?)

These are just some of the questions we ask ourselves when engaging with learners, clients, our own employees, contractors and other partners.

Further help can be obtained at the following websites:

Equal Opportunities Commission

www.eoc.org.uk

Commission for Racial Equality

www.cre.gov.uk

Disability Rights Commission

www.drc-gb.org.uk

Department for Work and Pensions

www.agepositive.gov.uk

The above policy is underpinned by the following legislation:

- The Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975 (Gender Reassignment Regulations 1999; indirect Discrimination and Burden of Proof Regulations 2001; Employment Equality (Sex discrimination Regulations)
- Race Regulations Act 1976 (Race Relations Amendment Act 2000)
- Disability Discrimination Act 1995
- SENDA 2001
- The Protection from Harassment Act 1997
- Human Rights Act 1998
- Employment Act 2002
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Civil Partnership Act 2004
- Gender Recognition Act 2004
- Disability Act 2005

4. LD Training Statement of Provision of Information, Advice and Guidance

Information, Advice and Guidance (IAG) services have an important role to play in delivering learning. They promote the benefits of learning, help individuals to address and overcome the barriers to learning, and support them in making realistic and well informed choices regarding employability and progression onto further learning. Through our IAG services we wish to support our apprentices to make informed decisions about learning and work based on their individual needs and circumstances.

Information

“Information”, within the context of the IAG programme, means the provision of information on learning and work. Apprentices will be provided with:

- printed materials such as learner handbooks, resource materials, leaflets;
- online resources, computer software on CD-ROM or via the internet; and
- verbal information imparted by assessors and tutors during assessment and training sessions or through local or national help-line services such as learn direct and Work train.

Core Information Services

The core information services consist of:

A. Information about access to opportunities:

- learning and work opportunities, including opportunities in Further Education, Higher Education, Adult and Community Learning, Learndirect, other local learning providers; work placements; national and local job vacancies; voluntary opportunities; opportunities in self employment
- learner incentives and entitlements (e.g. fully funded first level 2 and 3 qualifications)
- local and regional work taster, work shadow and work experience possibilities
- where to find local vacancy information including through Worktrain, Jobcentre Plus and sector websites
- self access database information (for example Occupations, National Apprenticeship Service, Apprenticeship Frameworks, Skills Councils, Awarding Bodies, Worktrain, Learndirect) on jobs, training, qualifications;
- qualifications and equivalence in UK of qualifications gained overseas, disability and employment issues – including where to get further support.

B. Supporting information on:

- national and local labour market information and intelligence - up-to-date information level including local employer information and trends
- career, occupational, sector profiles.

C. Enabling information on:

- how to apply for a job (letters, internet, cold calling, phone calls) including filling in applications, CV completion, interview techniques and typical sector specific interview questions
- aptitude profiles
- learning and career planning or management tools.

D. Signposting information on:

- what is and what is not available on the Skills Funding Agency skills and training programmes
- the Children’s Information Service, Surestart and how to access them
- local, regional and national transport availability
- benefits issues
- how to access free services for learning and work including learndirect and Jobcentre Plus
- Disability Discrimination Act and other relevant legislation
- availability of specialist support for clients around learning support, basic skills, disability.

Advice

Apprentices will be provided with advice usually on a one-to-one basis. It may require explanation of some of the information provided, how to access and use information, and a recognition of when more in-depth services may be required by the apprentice.

Core Advice Services

Core advice services may include the following, as appropriate for the individual:

- interpreting any information and taking into account personal circumstances
- an individualised service tailored to the apprentice's needs
- personalised information including possible referral to in-depth services
- assistance using decision making tools
- help in linking personal interests and/or skills to desired job/career requirements
- identifying basic skills needs in literacy, language and numeracy and making appropriate referrals in house or externally
- meaningful interpretation of the current job market
- advice on the financial and other support available to learners e.g. Level 2 Entitlement
- basic advice around services available during redundancy including how to access them, whom to contact, and where to go
- advice on job search methods (CV, interview skills, applications for support or referral to enhanced services)
- considering possible progression paths, personalising options
- knowing what is and is not available and/or possible and discussing alternatives.

Access to Core IAG Services

Apprentices are entitled to access the core IAG services through a combination of:

- 24 hour access to website to submit email requests
- 24 hour access to answer-phone service to leave a request
- 24 hour access to assessors' and tutors' via email
- LD Training available for information a minimum of 5 days a week
- appointments for advice available outside normal working hours wherever possible e.g. to meet the needs of shift workers
- outreach provision

LD Training Response times to IAG requests:

- 24 hour response to requests for information. The response could take the form of a text message, phone call, email or face-to-face
- signposting to alternative or further sources of IAG within 48 hours of the original enquiry
- if information has to be sought elsewhere the apprentice will be advised of this within 3 working days
- Appointments for advice available within 5 working days of the date of receipt of the original request