



Equality, Diversity & Inclusion Policy

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13	27/07/2021	Katy Baker	Incorporating further detail on duty of care for all ESS personnel and external stakeholders (inc employers), update to gender neutral pro-nouns and general review and update.
14	11/07/2022	Katy Baker	Annual Review – with revisions/updates to Job titles

Distribution

Name	Title
All Employees	Equality, Diversity Inclusion Policy
All Learners	Equality, Diversity Inclusion Policy
All Stakeholders & Relevant Parties	Equality, Diversity Inclusion Policy

Approval

Name	Position	Signature	Date
Catherine Storer	Executive Director		11/07/2022

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1 EQUALITY AND DIVERSITY POLICY

1.1 PURPOSE

The purpose of this document is to provide guidance to all staff, learners, and stakeholders including employers in relation to equality and diversity.

Essential Site Skills Ltd aims for equality of opportunity in every aspect of the services we provide, this includes apprenticeship training, commercial delivery, and other funded provision.

The company recognises that discrimination, harassment, and bullying are unacceptable and that it is in the interests of the organisation, its employees, learners and the employers we work with that the skills of each individual are effectively utilised.

Essential Site Skills Ltd promotes tolerance to all learners by providing induction that covers equality and diversity throughout all provision.

We aim to be a model employer and training provider by taking a proactive stance in equality and diversity matters including:

- Promoting equality and diversity to our learners, our employees, and the employers that we work with.
- Demonstrating responsiveness to the needs of individuals and organisations
- Effectively challenging and eradicating discrimination and stereotypes
- Supporting all employers in creating an associated curriculum and staff development plan that supports equality and diversity best practice

It is the aim of Essential Site Skills Ltd to ensure that no Essential Site Skills Ltd employee, potential Essential Site Skills Ltd employee, internal applicant or applicant for a place on one of our training programmes, an existing/potential employer or existing/potential learner receives less favourable facilities or treatment because of any of the nine 'protected characteristics' outlined by the Equality Act 2010 or are placed at a disadvantage by imposed conditions or requirements which cannot be shown to be justified.

Essential Site Skills Ltd wishes to see that its own workforce and the learners that it supports are reflective of the communities in which we operate and work and that there is parity of achievement and progression for all learners regardless of their protected characteristics.

Essential Site Skills Ltd recognise that the Equality Act 2010 makes it unlawful for all stakeholders to discriminate directly or indirectly or harass customers or clients because of their protected characteristics of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or age in the provision of assessment and training services.

This policy will operate in accordance with statutory requirements. In addition, full account will be taken of any Codes of Practice issued by the Equality and Human Rights Commission, and other statutory bodies.

1.2 SCOPE

This policy relates to all stakeholders including but not limited to existing/potential staff, volunteers, employers and learners.

Scope of the Policy:

- Advertising
- Selection
- Appointing
- Teaching, Learning & Assessment
- Employment
- Managing
- Monitoring
- Discipline

Although this is not an exhaustive list.

1.3 POLICY OBJECTIVES

Essential Site Skills Ltd is committed to be an Equal Opportunities Employer and Provider of Training in accordance with the Equality Act 2010 – *‘legally protects people from discrimination in the workplace and in wider society.* The Equality Act 2010 replaces previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.

We value diversity by providing equality of opportunity to applicants, staff and learners by following working practices that are free from unfair and unlawful discrimination and encourage mutual trust and respect for individuals. In particular, we seek to ensure that responsibilities under the Equality Act 2010 are met and exceeded. Essential Site Skills Ltd is committed to ensuring that staff, learners and clients are not treated unfairly or receives less favourable treatment on the grounds of any protected characteristic covered by the Act:

- Age
- Sex
- Disability
- Race
- Religion or Belief
- Sexual Orientation
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy, Maternity, Paternity and also Adoption Leave

This policy also seeks to ensure that no staff member or learner is victimised or subjected to any form of bullying or harassment in their own workplace.

Essential Site Skills Ltd is committed to positive action to promote equality of opportunity in employment and training and to regularly monitor the results of this commitment.

It is the responsibility of all Essential Site Skills staff, employers and learners to work together towards combating all forms of discrimination by ensuring the Equality and Diversity policy is

adhered to and all incidents of discrimination are reported through the appropriate channels to ensure a positive impact.

- Essential Site Skills Ltd Board take responsibility for endorsing the Equality, Diversity & Inclusion Policy
- Managing Director and Senior Management Team take responsibility for the communication of policies and actions to staff, employers, learners, subcontractors, and stakeholders
- All Essential Site Skills Ltd staff take responsibility for ensuring the Equality, Diversity & Inclusion Policies are consistent themes across all areas of work.
- It is imperative that Essential Site Skills Ltd staff read, understand, and apply the policy and all potential acts of discrimination are dealt with appropriately.
- All Essential Site Skills Ltd staff promote equality, diversity and inclusion to the wider community including induction and training activity for all learners and Employers to understand the continued commitment and responsibility
- The Head of Quality & Curriculum will, as part of the internal quality assurance process, monitor the effectiveness of the policy in relation to equality, diversity and inclusion at every learner touchpoint (see OTLA Guidance and TLA Strategy)

Where discrimination against any person or group is referred to it shall be deemed to be potential discrimination within any of the categories within the policy statement as follows:

- Direct discrimination
- Indirect discrimination
- Harassment
- Associative discrimination
- Perceptive discrimination
- Harassment by a third party
- Victimisation

1.4 ESSENTIAL SITE SKILLS LTD DUTY OF CARE: ROLES & RESPONSIBILITIES

The Essential Site Skills Ltd Board have the overall responsibility for ensuring effective implementation and operation of these procedures. The Managing Director and Senior Management Team will ensure that they and their staff and learners operate within the policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination.

Each Senior Management Team member will ensure that for staff:

- All staff, learners and employers are aware of the policy, arrangements, and reasons for the policy. This will be promoted for learners and employers from induction and throughout the programme delivery.
- All Essential Site Skills Ltd staff will receive training through various meetings/workshops /focused CPD activity either delivered/facilitated by internal staff or external agencies
- Grievances concerning discrimination are dealt with properly, fairly, and as efficiently as possible
- Proper records are maintained. Records will also be maintained relating to the recruitment, selection, training and development and employment practices of the organisations that we work with

- Ensure that recruitment methods used reach a wide range and representative cross section of the community aligned with Safer Recruitment Practices
- Plan interviews carefully to ensure questions asked, reflect the position applied for and to make decisions based on knowledge, abilities, experience, and merit
- Wherever possible ask the same questions, in the same words, of everyone being interviewed aligned with Safer Recruitment Practices
- Keep full, accurate records of test results, interviews, and reasons for selection and/or non-selection

The Managing Director, supported by the Head of Quality & Curriculum will be responsible for monitoring operation of the policy in respect of employees, job applicants, learners and employers.

Whilst the responsibility for ensuring that there is no unlawful discrimination rests with the Essential Site Skills Ltd Board and Senior Management Team, the attitudes of staff, learners and all stakeholders are critical to the successful adoption of fair employment practices and operation relating to all training delivery and provision.

All Essential Site Skills Ltd staff will comply with the policy and processes:

- Not to discriminate in their day-to-day activities or encourage others to do so
- Not to victimise, harass or intimidate other staff, learners or groups on the grounds specified in this policy statement
- Inform their senior manager or line manager immediately, if they become aware of any discriminatory practice.
- All Essential Site Skills Ltd staff should ensure that learners are informed of the equality issues and their responsibilities and rights within the policy.
- To ensure a learner understands their responsibility within the duty to promote and act with accordance of equality, diversity and inclusion best practice and Essential Site Skills Ltd staff will test their understanding on a regular basis – at a minimum recorded at the learner Progress or Tripartite Review with employer engagement.
- Essential Site Skills Ltd staff should ensure that learners, employers, and all stakeholders are informed of the grievance procedure and how they can use it with regards to Equality, Diversity & Inclusion issues.
- Essential Site Skills Ltd staff deliver programmes to meet the needs of learners to promote and reinforce inclusive practices

Training will be provided on Equality, Diversity and Inclusion and its implementation, monitoring and review is vertically integrated throughout our processes. For example, during Internal Quality Assurance activity which includes equality, diversity and inclusion monitoring on reviews/ILP/Portfolio of Evidence and encompassed within the curriculum. In addition to internal training/CPD and Sector specific updates, all Essential Site Skills Ltd staff are required to undertake external equality and diversity training provided by a recognised organisation annually. All certificates of completion are kept on file.

All learners should complete the equality, diversity and inclusion section of the ILP prior to their first formal progress review in discussion between ESS personnel the learner and their employer. Learners' understanding of equality and diversity issues should be assessed throughout their programme and as part of their regular formal reviews, along with supporting information regarding how to raise concerns.

Employers are aware of their statutory duty aligned with the promotion and enactment of both in-house and Essential Site Skills policy. This is covered at Pre-Enrolment and also within the Employer Induction at the On-Boarding stage. Please also refer to Safeguarding and Prevent Duty Policies.

Essential Site Skills Ltd states its intention not to discriminate and to ensure that this is translated into practice consistently across the organisation as a whole.

A monitoring system is maintained to measure the impact and effectiveness of the policy and arrangements.

The impact and effectiveness reports include but are not limited to:

- Learner and staff recruitment
- Training for staff and learners
- Progression
- Feedback from Stakeholders and Relevant parties (inc employers)

The monitoring will involve the routine collection and analysis of data relating to applicants, learners and employees as well as the stakeholders we work with.

The applicant, learner and employer information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose, this is aligned with the requirements of GDPR and outlined with our Data Protection Policy.

1.5 STATUTORY REQUIREMENTS

Essential Site Skills Ltd will review and update policies in line with current legislation.

Essential Site Skills Ltd will promote and inform employers and learners of their responsibilities in relation to equality and diversity.

Essential Site Skills Ltd will continue to raise awareness of equality and diversity issues through all communications with stakeholders.

1.6 EQUALITY AND DIVERSITY POLICY

Discrimination

In relation to gender and race it is recognised that discrimination can be both direct and indirect.

Direct discrimination occurs when a person is treated less favourably than others (in the same or similar circumstances) on the grounds of race, gender, age, disability or other inappropriate grounds.

Indirect discrimination can occur where a condition or requirement adversely affects one group considerably more than another and which cannot be justified in terms of the requirements for performing the job or task.

In relation to disability, discrimination occurs if, for a reason which relates to a person's disability, that person is treated less favourably than others to whom the reason does not apply, and this treatment cannot be justified.

Harassment

Harassment is a form of discrimination. Harassment at work comprises a wider range of unacceptable and unwanted physical, verbal or non-verbal behaviour that affects people's dignity. Any behaviour which shows lack of respect and which creates an atmosphere in which people feel uncomfortable and unwelcome can constitute harassment.

It may be experienced by anyone on a variety of grounds including race, gender, political and religious beliefs and disability. Sexual, racial and (in Northern Ireland) religious harassment is unlawful; within Essential Site Skills Ltd, harassment, for whatever reason, will not be tolerated and may lead to disciplinary action. The company views any bullying as harassment and acts of bullying will be treated as harassment, under the terms of this policy.

Sexual harassment could include:

- Any behaviour which patronises, intimidates or offends, e.g. remarks, looks, jokes or offensive language.
- Any behaviour which makes people feel viewed as sexual objects and which causes offence, even if unintended.
- Provocative suggestions or propositioning people.
- The display of pornographic, semi pornographic or suggestive material, electronic or paper.
- Deliberate, potentially objectionable physical contact to which the person has not consented or had the opportunity to object to.
- Threats of failure or promises of success or other rewards in exchange for sexual favours.
- The company's policy applies equally well to harassment occurring between people of the same gender, or of different gender.

Racial harassment could include:

- Any behaviour which causes discomfort, intimidates or offends or which incites others to do so – derogatory names, insults, racist jokes or ridiculing cultural difference.
- The display or circulation of offensive material, including racist graffiti, electronic mail or information published through the internet.
- Verbal abuse and threats of physical attack.

Personal harassment could include:

- Behaviour which makes direct or indirect reference to disability or impairment – and thus causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability.
- Behaviour which makes direct or indirect reference to religion or culture thereby causing discomfort or offence.
- Repeated gibe's in reference to personal traits, appearance or sexual orientation.
- Remarks regarding age which create an offensive environment and are sufficient to violate a person's dignity.
- Invasion of privacy or practical jokes causing physical or psychological distress.
- Pressure to become involved in anti-social or criminal behaviour.
- Messages to or about a person, including electronic mail or text messages that are offensive, insulting or cause discomfort.

Bullying

Bullying is the misuse of power or position to persistently criticise and condemn; to openly humiliate and undermine an individual's ability until this person becomes so fearful that their confidence crumbles and they lose belief in themselves. These attacks on the individual are normally sudden, irrational, unpredictable and usually unfair.

Bullying could include:

- Verbal and/or physical intimidation – threats, shouting, derisory remarks, often in front of others.
- Ostracism, or conversely, excessive supervision.
- Undermining of the individual's position by changing work objectives/guidelines without consultation, taking credit for the target's work, deriding the target's work to supervisors, etc.
- Removing areas of responsibility and giving people menial or trivial tasks to do instead.
- Withholding information.
- Spreading malicious rumours.
- Persistent criticism.
- Messages, including electronic mail and text messages that are threatening, derisory or defamatory.

Victimisation

It is unlawful to victimise anyone who has sought to exercise, or has assisted another to exercise, their rights under legislation concerned with preventing discrimination. Equally, Essential Site Skills Ltd will not tolerate the victimisation of any member of staff who has brought a complaint or assisted a colleague to bring a complaint.

Action against Discrimination, Harassment, Bullying or Victimisation, if you feel you are being harassed, unfairly discriminated against, or victimised by someone (regardless of their status) you should complain (either formally or informally) to the Senior Management Team or via the Safeguarding team.

Disabilities

Disability, in the context of this policy, includes those with learning and physical disabilities/difficulties, sensory impairment and difficulties due to mental health.

Essential Site Skills Ltd is committed to:

- Challenging stereotyping and discrimination on the basis of disability
- Eliminating discrimination against people with disabilities in its procedures and practices
- The provision of access, facilities, support and services to meet the needs of people with disabilities
- Valuing all learners' achievements and celebrating success

Full differentiated resources and support are available for any learners with learning and physical disabilities/difficulties, sensory impairment, and difficulties. These have been developed by the Head of Quality & Curriculum and Specialist Tutors to ensure all learners are supported throughout their

time with Essential Site Skills Ltd. Differentiated resources allow all learners to get the most from the programme they are enrolled to study. As far as possible, Essential Site Skills Ltd wants all stakeholders to fulfil their potential.

Essential Site Skills Ltd recognises that all people have the skills and qualities to compete on equal terms with others, therefore Essential Site Skills Ltd ensure there are no barriers preventing anyone from achieving their full potential. Essential Site Skills Ltd will not tolerate discrimination against anyone on the grounds of disability.

1.7 LEGISLATION

The intention of Essential Site Skills Ltd policy is to build upon the statutory position and to pursue an effective policy of promoting equality of opportunity throughout the company.

The current statutory position is as set out in the Equal Pay Act (1970, amended 2010); the Sex Discrimination Act (1975); the Race Relations Act (1976, modified 2000); the Equality Act (2010); the Employment Relations Act (1999, modified 2004); the Human Rights Act (1998); the Employment Equality (Sexual Orientation) Regulations 2003; the Employment Equality (Religion or Belief) Regulations 2003 and the Employment Equality (Age) Regulations 2006.

Harassment may constitute unlawful discrimination under the Sex Discrimination Act (1975) and the Race Relations Act (1976, modified 2000). Under the Public Order Act (Amendment) (1996) (as amended by the Criminal Justice and Public Order Act (1994) a person will be guilty of a criminal offence if he or she intentionally causes a person harassment, alarm or distress by using abusive or insulting words or behaviour, or by displaying written material, signs or pictures, which are threatening or abusive.

Safeguarding & Prevent

Essential Site Skills Ltd has a policy and set of procedures relating to the protection of young people and vulnerable adults which are available in our Safeguarding and Prevent Duty Policies.

The policy is issued and discussed with learners, employers, and staff at induction and is reviewed by the Designated Safeguarding Lead and approved by the Essential Site Skills Ltd Board.

Essential Site Skills Ltd has a separate Safeguarding & Prevent Duty Policy.

British Values

All Learning programs will include content that will, prepare learners for life equipping them to be responsible, respectful, active citizens who contribute positively to society.

This will include:

- Developing their understanding of fundamental British values
- Developing their understanding and appreciation of diversity
- Celebrating what we have in common and promoting respect for the different protected characteristics as defined in law.

1.8 GRIEVANCE AND DISCIPLINE & COMPLAINT OF UNFAIR TREATMENT

Employees have a right to pursue a complaint concerning discrimination or victimisation via the Essential Site Skills Ltd grievance policy on harassment and bullying. Discrimination, harassment and victimisation will be treated as disciplinary offences, and they will be dealt with under the disciplinary procedure.

Complaint's procedures are included in all learner Induction packs distributed upon Pre-Enrolment and again during On-boarding.

Essential Site Skills will endeavour to respond to all complaints immediately treating all complaints with the utmost respect, dignity and confidentiality. We aim to resolve all complaints within a specified time frame and will keep the complainant updated on progress of their complaint throughout.

A copy of our Complaints and Appeals procedures can be requested by emailing:
complaints@essentialsiteskills.com

Anyone wishing to lodge a complaint of unfair treatment must complete a Complaint of Unfair Treatment form and submit to either your tutor/assessor or line manager if appropriate or email Essential Site Skills Ltd nominated person at complaints@essentialsiteskills.com if you do not have access to email please post to:

**FAO: Managing Director
Essential Site Skills Ltd
Monarch House
Chrysalis Way
Nottingham
NG16 3RY.**

Please mark your envelope '**Private and Confidential**'.

Essential Site Skills Ltd continue to monitor the effectiveness of our procedures through regularly customer evaluation and internal audit.

All employment and training related policies and procedures take into account equality of opportunities. Essential Site Skills Ltd policies and procedures will be reviewed regularly, and any discriminatory elements removed.

This policy is supported by the specific actions to be completed with learners at each stage of the learner journey, as set out in their Onboarding and Induction to programme, this is continuously recorded at the learner Progress or Tripartite Reviews.

Please refer to the Whistleblowing Policy if required.

This policy is policy applies to the Skills Support for the Workforce/ Redundancy contracts for the LEP Areas listed below and also for ESF Skills for Growth: Reskill & Upskills for the Digital Industry

Black Country	ESF-5131
Greater Cambridge and Greater Peterborough	ESF-5111
Coventry and Warwickshire	ESF-5130
Derby Derbyshire	ESF-5129
Greater Birmingham and Solihull (Transitional)	ESF-5126
Greater Cambridge and Greater Peterborough	ESF-5111
Hertfordshire	ESF-5114
Nottingham Nottinghamshire	ESF-5128
West of England	ESF-5118
Worcestershire	ESF- 5125
Grater Manchester Combined Authority	DCUP

1.9 COMPLAINT OF UNFAIR TREATMENT FORM

COMPLAINT OF UNFAIR TREATMENT FORM

For your complaint to be investigated you must include your full name
(Essential Site Skills are not able to investigate anonymous or malicious complaints)

Guidance on completing the form:

1. Please complete Parts A & B
2. Form to be returned by Complainant to complaints@essentialsiteskills.com
3. Head of Quality & Curriculum to forward complaints form to appropriate staff member responsible for relevant department for action.

What happens next?

4. You will be contacted about your complaint by an appropriate person
5. Parts C & D to be completed by appropriate staff member dealing with the complaint
6. Form will be filed electronically at Essential Site Skills Head Office

PART A	
Full Name of person making complaint: Contact details (Telephone number or e-mail): If a current learner state ESS Staff Name: Learner name (If different):	
PART B	
WHAT IS YOUR COMPLAINT (Attach more information to this form if you wish or require more space)	

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For Office Use Only:

Date Complaint Received:	
Date Forwarded to appropriate person within ESS:	

Acknowledgement given to person making complaint and date:	
(Please specify Verbal / Written)	

Name of person investigating complaint:	
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A copy of this document (Parts A & B) must be forwarded to the Head of Quality & Curriculum.

PART C		
ACTION TAKEN & RESPONSE LOGGED (please complete additional sheet if required)		
Date	Action or Response Given	Action Taken By (Name)

PART D		
COMPLAINT SUMMARY RESOLUTION OR RESPONSE		
(please complete additional sheet if required)		
Date	Action or Response Given	Action Taken By (Name)

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For Office Use Only:

Signed: Complainant Informed of Action or Resolution: (Please specify Verbally / Written) Date:	
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A copy of this document (Parts C & D) must be forwarded to the Head of Quality & Curriculum.