



## **Equality and Diversity Policy -**

As with Health and Safety we also are available to help with Equality and diversity. Within the company vetting, we look at equality policies and procedures and again offer guidance and support if required, to all employers and learners

MBKB Training is committed to achieving equality and diversity of opportunity for all staff and learners and will strive to provide an environment that is free from discrimination, harassment and victimisation. All employees and learners will be treated with respect and dignity, and the needs of minority and disadvantaged groups will be responded to with sensitivity, empathy and support.

In accordance with the Equality Act 2006, MBKB Training encourages and supports the development of a society in which:

- People's ability to achieve their potential is not limited by prejudice or discrimination
- There is respect for and protection of each individual's human rights
- There is respect for the dignity and worth of each individual
- Each individual has an equal opportunity to participate in society, and
- There is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.

It is MBKB's policy to provide equality for all, irrespective of:

- Age
- Gender, gender reassignment, transgender, sexual orientation, marital or family status including pregnancy
- Disability or learning difficulty
- Ethnic origin, perceived 'race', skin colour, nationality or national origin
- Religion or belief, philosophical belief or no belief
- Working hours including part time workers
- Membership/non-membership of trade unions
- Family arrangements and civil partnerships
- Or any other cause leading to unfair discrimination

## **Personal Dignity**

It is an offence for any person to harass another person by unwanted conduct or to make them feel that their dignity has been offended or violated, or that there is an intimidating or hostile atmosphere for them, or to make them feel that they are being degraded or humiliated or being placed in an offensive environment.

## **Human Rights**

We believe in human rights for all those connected with this organisation and all members of society. No action shall be taken against them by any person connected with MBKB Training which would devalue their contribution to society as a whole and to this organisation or lead to a loss of self-respect for them or respect for them from others. We believe in order and social discipline both in society and in the organisation of work based training. We hold the right to request a standard of dress appropriate with circumstance and safety at work.

The results of all initial assessments for learners and any tests for staff will always be given to them and always in surroundings that preserve individual confidentiality. Furthermore, we confirm that we will, if unable to help them specifically, refer them to other agencies or organisations so that a continuous pathway of help and advice is formed.

We will comply fully with the letter and intention of all laws and directives set out at the Annex to this policy. We are committed to the fulfilment of all agreements, regulations and Acts that may have implications for our role in vocational training.

## **Positive attitude**

The responsibility for compliance and for the positive attitude required to ensure success is laid upon all individuals within the organisation. All external persons connected with MBKB Training are encouraged to hold the same responsibility and commitment.

## **Effective Use of Policy**

A copy of our Equality and Diversity Policy is issued to every learner upon our programmes. We will further more ensure that each placement/company has their own policy. Where there is no policy, ours will be issued together with a declaration form EO1 to ensure compliance.

## **MBKB Training Equal Opportunities Procedures**

To protect staff and learners alike there are procedures to ensure that each person has a redress against harassment and bullying at work or during any part of training. There are procedures for redress of complaint, and for the re-evaluation of decisions taken by assessors in accordance with the Common Accord following complaints from learners. A

Complaints Book will be kept, regularly reviewed and the causes of complaints analysed to prevent reoccurrence. Anyone whose personal data is stored on a MBKB training and Development Training computer will have right of access to it. Anyone who is permitted to take up copyright of designed material will have that copyright honoured. Health and safety at work will be paramount. These procedures are listed herewith:

Advice and guidance for redress against harassment and bullying.

Advice and guidance on making complaints and redressing grievances.

The right to have a friend, supporter or mentor present during interviews.

The assessment appeals procedure.

Access to personal data.

Copyright of designed training notes and other materials.

Health and safety – procedure for identification and notification of omissions.

Advice and guidance on referrals of staff and learners to other agencies and organisations for further help and advice.

Procedure for staff recruitment, selection, promotion, training, redundancy and retirement or dismissal.

Procedure for learner's recruitment including avoidance of stereotyping.

Guidance on advice and permissions to staff and learners concerning religious beliefs, including customs, festivals and holy days.

Advice and guidance on the rehabilitation of ex-offenders.

Restrictions in the use of the Internet – limitations on access to certain websites.

Advice and guidance on the display of potentially offensive material

Advice and guidance on the design and content of training materials and sessions

Staff and learners dress code

There will be control of the quality and wording of advertising and publicity. There will be proper procedures for the recruitment of staff and learners that meet and if possible exceed the requirements for equality of opportunity. The facilities used by learners will be subject to regular formal review and necessary improvement. Learners are encouraged to discuss their concerns both formally and informally in private if requested. Training notes will be checked to ensure the contents do not offend any group. The use of electronic communication will be monitored to ensure that no offensive material is introduced into the training or working environment and that personal privacy of data is protected.

Management strategies and techniques will be regularly evaluated to ensure fairness of conduct. The structure of training and its content will be evaluated to ensure that it does not offend or infringe upon any person's rights.

The workplace or work placement contract procedures will be examined periodically to ensure fairness. The wording of contracts or service level agreements will contain wording, which describes the equal opportunities policy of MBKB Training in an easily understandable way to any external organisation.

The wording of contracts for full and part-time staff, including temporary, seasonal staff and contracted consultants contains details of the policy. A copy of the policy will be set out in the Operational Quality Policy "MBKB training and Development Service" and also within our "Training Handbook". The policy will be monitored. Statistics will be gathered, analysed

and used by managers to improve policy implementation and to increase the level of proactivity.

The dress code will take into account concerns by any person who's religious or ethnic customs require a particular type of dress. Fasting periods and other periodic religious or ethnic requirements including time and location and privacy for prayer will also be considered on a case-by-case basis. Learners who wish to discuss issues they consider important in connection with religious festivals and celebrations should talk to the Equal Opportunities Co-ordinator.

## **Harassment and bullying**

Harassment is an unacceptable form of behaviour. All staff and learners can consider themselves fully protected this policy and our separate anti-harassment and bullying policy and sexual harassment policies at MBKB Training or MBKB Group, at workplaces or work placements or at any other place where work or training takes place. The policy applies to staff and learners connected with this organisation even when they are on off-duty time. The occurrence of harassment must be reported to, without fear or favour, even if there is a separate policy in place at learners' workplaces or work placements that requires the incident to be reported to a workplace manager or supervisor. Because learners are in receipt of government funding for their training they are to be separately protected by MBKB Training at all times. Learners are to be politely questioned in confidence on each occasion of formal review and at other appropriate times as to their level of contentment with their workplace or work placement. Where an issue may arise, confidential records of discussions concerning these aspects will be recorded and stored separately from the documentation connected with individual training plans. Staff complaints about harassment will also be treated fully in confidence. Wherever possible, concerns will be investigated by a person not involved with the learner or staff member on a day-to-day basis. This person will be known as the confidential mentor. References to complaints of any kind will be recorded in the MBKB Training complaints book.

However, specific confidential aspects of complaints may be noted and filed in a sealed confidential envelope and deposited within the person's personal file.

## **What is Harassment?**

It is any unacceptable or unwarranted behaviour that disrupts the quality of life or work of an individual. Although the examples set out below are not exclusive, they show types of unacceptable conduct that are completely against our policy:

- Successive or single acts of bullying
- Verbal or physical abuse
- Ill-treatment
- Any offensive or oppressive act.
- Any defamatory remark.
- Causing a person to avoid or want to avoid any social, work, or training environment through

- poor behaviour towards them.
- Ill-advised comments or harassment about any person's sex, sexual orientation (including lesbian, male homosexual or transitional sexual status), religion or belief, race or ethnic origin, disability or age, marital status
- Any abuse of a position of authority by a staff member over a learner or to another staff member.
- Being under the influence of alcohol will be considered to aggravate the offence, and will not constitute an excuse for it

## **Sexual harassment**

Sexual harassment at work or in vocational training is now specifically defined in law. It is:

Comments about the way you look which you find demeaning

Indecent remarks

Questions about your sex life

Sexual demands by a member of your own or the opposite sex

Any conduct of a sexual nature which creates an intimidating, hostile or humiliating working environment for you; this includes displays of pornography and Internet downloading of offensive material at work or vocational training.

Harassment of a sexual nature should be complained about using our separate private procedure.

To ensure that all staff and learners understand the limits of conduct, the following actions could constitute sexual harassment:

**Physical Conduct of a Sexual Nature:** Unwanted and repeated physical contact including unnecessary touching, patting, pinching, brushing against another employee's body, assault or coercing sexual intercourse.

**Verbal Conduct of a Sexual Nature:** Unwanted sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments.

**Non-verbal Conduct of a Sexual Nature:** The display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.

**Sex-based Conduct:** Conduct that ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender related.

**Category Abuse:** Any action which causes alarm or distress to any person considering themselves to be transgender, in the process of gender reassignment, gay, lesbian, bisexual or genetically asexual.

**Pressure Abuse:** It is not acceptable as an argument in favour of sexual harassment, that 'it is just an initiation ceremony', 'just for fun', 'no harm was meant', 'everyone does it', 'you are far too sensitive', 'you are out-of-date', 'everyone swears', 'well, what is pornography nowadays?', and other comments which try to justify unacceptable behaviour at work or in learning.

## Harassing Aspects of Potentially Offensive Displayed Graphic Materials

Our policy is that it cannot be assumed that because one person does not find such material offensive, so all must put up with it. We will not put anyone in a situation in which they have to request that such items be removed. You are not to make available:

- The display of sexual material on posters or in any other form including graffiti.
- Any written or printed material intended to show that any person is inferior in any way, including any sexual or racist aspect.
- The use of 'playboy' or 'playgirl' style calendars or other potentially offensive magazines or pictures including those of a soft pornographic nature.

Managers and supervisors of learners at external workplaces or work placements are to be asked directly and without embarrassment, fear or favour to remove such items from the workplaces of government funded learners as part of the external company's commitment to the equality of opportunity and protection from harassment. To reiterate, no learner will be put in a position of having to ask that material offensive to him or her be removed.

### **False Accusation**

MBKB Training will hold it as an offence against this equal opportunities policy if any person gives a false accusation against another learner or staff member. Accusations of a false nature can be deemed as legally defamatory. All those involved in the investigation of any complaint must keep the matter strictly confidential.

### **Right to Advice and Counselling**

MBKB Training will ensure that all persons have a right to advice and to legal protection. This will be achieved by either by a person appointed by MBKB Training giving advice in confidence to any learner or staff member, or by referral to an external specialist source such as a solicitor or counselling agency. Time off from training or staff work will be given to attend external appointments until such matters are resolved.

### **Positive Discrimination against Gender Stereotyping**

All staff shall make every effort to inform learners of opportunities to break out of stereotypical roles at work. Vocational training providers are permitted by law to be proactive in trying to introduce men and women into areas of work not considered normal activity for a particular sex. Examples of this would be to encourage more men into childcare, more women into information technology and building work. Stereotyping can occur within working environments too – for example, expecting women always to make the tea or do washing up or expect men always to change light bulbs or mend electrical fuses or plugs. Staff are to be aware of these aspects and show an example to learners in how to combat them.

## **Gender Equality Duty**

Furthermore, staff are to note the public duty placed upon them by the Gender Equality Duty

Eliminate unlawful gender discrimination.

Promote equality of opportunity between men, women, transgender and transsexual persons.

Ensure that all employment and support requirements connected with pregnancy, care for children and family life are given the closest scrutiny to ensure fairness for all.

Race Equality Duty and Disability Equality Duty

## **Staff and Learners Interviews and Initial Assessments**

MBKB Training has a policy, that access to staff contracts and to training programmes is open and fair. People are told at the beginning of any interview that it is covered by the MBKB Training Equal Opportunities Policy. They are told that if they consider the manner or questioning to be ill-advised or too personal or intrusive they should feel free to comment upon it without fear. Such questions can then be re-worded or avoided by interviewing staff as appropriate. No person shall be forced to put down any detail on their application that they are concerned might lead to an infringement of their human rights. Furthermore, we accept that because of legal limits to the gender identification procedures, it would not be appropriate for us to insist on a birth certificate being required as the sole means of identification.

Initial assessment of literacy, numeracy or other determiner of current ability will be carried out so that the results of the tests are kept confidential. These results will always be given to the learner concerned on a one-to-one basis in confidence. No unnecessary testing is to take place. Staff or learners who can show for educational reasons or reasons of previous experience or qualification that they already possess a skill or ability will not be tested for it initially. Should this ability or skill prove to be in need of refreshment at a later time, then such a test may take place with the agreement of the staff member or learner.

## **Accreditation of Prior Learning and Time Off-Work for Learning**

Learners' previous experience and qualifications are formally taken into account for the purposes of accreditation of prior learning for national vocational qualifications. Staff will be entitled to training for the needs of their job and also for personal development. Learners and staff will be entitled to time to study. Staff are to negotiate time off-the-job for learners to carry out personal study for their programme or for formal training sessions at work, at placement or in the MBKB Training centre.

## **Health and Safety**

All staff and learners are protected from defects in their working environments that fall below standards set out in the Health and Safety at Work Act. Full details of this are held within MBKB Trainings Health and Safety Policy.

## **Selection for Redundancy or Redeployment to another Post**

All direct or indirect discrimination will be avoided during selection processes for any redundancies or for redeployment to other or new posts. Nursing mothers, those expecting or on maternity leave will all be protected according to statute.

## **Victimisation**

No person, staff or learner shall be victimised as a result of them giving information about any act by a person that contravenes this Equal Opportunities policy. Persons making allegations that are proved to be false will be dealt with in accordance with the staff procedures for dismissal. Any staff member who bullies or harasses another staff member or learner who they believe has made an accusation against them, whether it be proved or not, shall be liable to dismissal. All staff will be able to report matters detailed in the Public Interest Disclosure Act 1998 without fear.

### **Management Responsibility and Vicarious Liability**

The H & S Manager, Mark Bremner accepts full responsibility for the discharge of the various laws and Acts of Parliament.

## **Cooperation by Staff and Learners**

As a part of MBKB Training, you have a duty to co-operate and comply with any measures set out to improve or sustain the concept of equality of opportunity. You must report bullying and harassment. You must not encourage or allow others by omission to carry out any discriminatory act.

## **Staff and Learners – Right to Information**

All staff and learners will receive initial, regular and updating briefings on all appropriate aspects for equal opportunities, rights and responsibilities. As long as you are a member of this organisation or a participant in one of its training programmes you have an obligation to act in accordance with the ethos set out in this policy at all times, including your time away from work or training.

**Suggestions for Improvement** - Please feel free to offer suggestions on the improvement of equality opportunities systems and procedures within this organisation.

## **Quality Assurance Review**

This policy will be reviewed annually as part of our self-assessment process.

All Queries and concerns about equal opportunities issues should be referred to the Equal Opportunity Manager, Mark Bremner at the MBKB training and Development Offices

Annex A -Equality & Diversity Legislation - Both UK and European law has been extensively revised and improved. The trend of wide reaching and life-changing legislation will continue into the future. MBKB training and Development training is bound by the following policies:

*Equal Pay Act 1970, Health and Safety at Work Act 1974, Rehabilitation of Offenders Act 1974, Sex Discrimination Act 1975, Race Relations Act 1976, European Equal Treatment Directive 1976, Copyright, Designs and Patents Act 1988, Children Act 1989, Disability Discrimination Acts 1995, Employment Rights Act 1996, Protection from Harassment Act 1997, Treaty of Amsterdam 1997, Public Interest Disclosures Act 1998, Data Protection Act 1998, Working Time Regulations 1998, Human Rights Act 1998, Sex Discrimination (Gender Reassignment) Regulations 1999, Part Time Workers Regulations 2000, Race Relations (Amendment) Act 2000, Special Education Needs and Disability Act (SENDA) 2001, The Race Relations Act 1976 (Amendment) Regulations 2003\*, The Employment Equality (Religion or Belief) Regulations 2003\*, The Employment Equality (Sexual Orientation) Regulations 2003\*, The Disability Discrimination Act 1995 (Amendment) Regulations 2003\*, Gender Recognition Act 2004 , Employment Act 2002 (Dispute Resolution) Regulations 2004, Children Act 2004, Disability Discrimination Act 2005, Employment Equality (Sex Discrimination) Regulations 2005\*, Equality Act 2006, Age – Employment and Vocational Training Law – 1<sup>st</sup> October 2006, Disability – Public Duty Code of Practice – 1<sup>st</sup> December 2006, Racial and Religious Hatred Act 2006, Race Employment Equality Code of Practice enforced 6<sup>th</sup> April 2006, Single Equalities Act – under consideration and in consultation now, Sexual orientation workplace regulations 2006 implemented in Oct 2007, Work and Families Act 2006 comes into force.*