

Equality & Diversity Policy

Version	3
Title of policy	Equality & Diversity
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Date of authorisation	01/10/2023
Authorised by	Gareth Carter
Date for next review	01/10/2024

Introduction

Momentum is committed to meeting the legal requirements of the [Equality Act 2010](#) and the active promotion of equality of opportunity for all and opposes unlawful or unfair discrimination of any kind. The aim of this policy is to outline how Momentum will meet external and internal requirements and ensure the organisation meets its commitments to creating a safe and respectful learning environment for all.

The policy recognises the importance of the [Equality Act 2010](#) and the Public Sector Equality Duty (2011) and specifically covers all Protected Characteristics as described in the Equality Act 2010. Momentum are committed to the 3 aims of the general equality duty:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Momentum recognises unreasonable and/or unlawful discrimination in on the grounds of race, colour, ethnic origin, nationality, national origin, religion, belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, age, marital status, civil partnership, disability, former convictions and trade union membership. The preceding examples should not be regarded as exhaustive or exclusive.

Momentum aims to enable its learners and staff to maximise their individual potential through the promotion and implementation of equality and diversity measures.

Momentum seeks to employ a workforce and maintain a learner body which reflects the diverse communities it serves, because it values the individual contributions of all people. Momentum will treat all employees and learners with respect and dignity and provide a working and educational environment free from unlawful discrimination (direct or indirect), harassment or victimisation. To this end, within the framework of the law and best practice, it is committed to achieving and maintaining a workforce and learner body that broadly reflects the local community.

Scope

The policy applies to all staff, learners, subcontracts and other stakeholders. We will work to ensure that all of our learners, employees and visitors, as well as those who seek to apply to work or study with us or who have previously worked or studied with us, are treated fairly and are not subjected to unlawful discrimination

Definitions

Equality – “the state of being equal, especially in status, rights, or opportunities.” Diversity – “understanding that each individual is unique and recognising our individual differences.”

Discrimination – “the unjust or prejudicial treatment of different categories of people under the protected characteristics.

Equality and Diversity Impact Measures (EDIMS) - “a set of targets (usually quantified) aimed to address identified variation between different groups.” EDIMS ensure all learners have equal opportunity to access our services, achieve success and opportunities for progression.

Prevent Duty - is about making sure everyone is kept safe and within the law. It is not about preventing learners from having political and religious views and concerns but about supporting them to use those concerns or act on them in non-extremist ways.

Key Principles

In order to fulfil this policy Momentum is committed to the following key principles:

- Promoting an organisation where people are treated with respect and dignity and where no form of intimidation or harassment is or will be tolerated;
- Creating a positive inclusive culture with a shared commitment to respecting diversity and difference and to encouraging good relations between people of different groups;
- Taking reasonable steps to prevent any form of harassment, direct or indirect discrimination or victimisation;
- Taking reasonable steps to make sure that no learner, staff member or job applicant is placed at a disadvantage by stipulated requirements or conditions that are unreasonable or irrelevant;
- Consulting with staff, learners and partners on issues relating to Equality and Diversity;
- Actively working to raise the awareness of learners to the importance of equality and diversity issues and Momentums expectations of them to contribute to a safe and inclusive environment;
- Fully embed this policy within the recruitment, on-boarding, delivery of apprenticeship training with both employers and apprentices.
- Developing a curriculum offer that meets the needs of our wide community and supports underrepresented groups;
- The collection, analysis and reporting on a range of data that will identify areas of inequality and the development of appropriate strategies and actions that will address those inequalities;
- Assessment of all potential learners or job applicants on their individual merits and their ability to undertake employment, training and education successfully;

- Making reasonable adjustments to ensure learners and staff are supported to participate and achieve. This includes those with physical or mental impairments as defined by the Disability Discrimination Act;
- Ensuring all employees complete Mandatory Equality and Diversity training
- Providing suitable training and support for staff so that they have the skills, knowledge and confidence to implement equality and diversity throughout their work;
- Equality principles specific to employment

Equality Principles in Employment

Momentum aims to employ a workforce, which reflects at every level the community, which it serves. In seeking to achieve a balanced workforce at all levels, Momentum will ensure that no employee, job applicant or candidate for promotion will be disadvantaged, or treated less favourably because of conditions or requirements that are not related to the job.

Reasonable adjustments will be made to arrangements and premises to ensure equal access for employees or potential employees who fall under the provisions of the Equality Act 2010 in relation to disability.

In order to ensure equality and fairness at all stages of employment, Momentum will ensure that equality issues are embedded into all of its recruitment and employment policies and procedures.

Equality Principles in Education

Momentum will treat all learners as individuals and with dignity and respect in the provision of access to facilities, learning opportunities and support. Curriculum will be devised to positively promote all aspects of equality and diversity.

Who does the Act protect?

The grounds on which someone can be discriminated against are referred to as 'protected characteristics'. The Equality Act recognises 9 protected characteristics, which are;

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual Orientation

Discrimination takes place when an individual or group of people is treated less favourably than others because of factors unrelated to their merit, ability or potential. It is unlawful to discriminate against someone on grounds of their sex (including gender reassignment), sexual orientation, marital status, race, nationality, ethnic origin, religion, beliefs, disability, pregnancy or childbirth or because they are a member, or not, of a trade union. It is also unlawful to discriminate against part-time workers.

Types of Discrimination

The British law (Equality Act 2010) recognises 8 types of discrimination:

Direct Discrimination occurs when factors unrelated to the merit, ability or potential of a person or group are used as an explicit reason for discriminating against them. An example would be recruiting to a male applicant to a position rather than a more appropriately qualified woman because of irrational, prejudicial or stereotypical views, or not promoting someone because they have a disability.

Indirect Discrimination occurs when there are rules, regulations or procedures operating, which have the effect of discriminating against certain groups of people. This may happen in subtle ways. For example, staff at a shop in London had to wear a uniform skirt, but an Asian woman worker refused for religious reasons. A tribunal found the shop guilty of indirect discrimination, because a large number of Asian women would not be able to comply with the rule.

Discrimination arising from disability occurs when somebody is treated unfavourably because of something arising in consequence of his or her disability (there may be instances where such treatment may be justifiable).

Discrimination by Association:

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Discrimination by Perception:

This is direct discrimination against an individual because others think that they possess a particular protected characteristic. It applies even if the person does not actually possess the characteristic.

Harassment occurs when an individual is subjected to unwanted conduct, which has the purpose (intentional) or effect (unintentional) of

- Violating a person's dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Moreover, harassment is unlawful when it is on the grounds of sex, gender reassignment, race, ethnic or national origin, sexual orientation, age, religion/belief, or for a reason relating to a person's disability. It is also unlawful to subject an individual to sexual harassment, or to harassment on the grounds of that individual's membership or non-membership of a trade union.

Third Party Harassment:

Such harassment is deemed to occur where a third party (e.g. a partner organisation) harasses an employee three or more times in the course of them carrying out their job and the employer is aware but fails to take reasonable steps to prevent it. It doesn't matter whether the third party is the same or a different person on each occasion.

Victimisation:

A person is victimised if they are punished or treated unfairly because they have made a complaint, or are believed to have made a complaint, or to have supported someone who

has made a complaint. A person or group of people can also be victimised or singled out for discriminatory or even criminal treatment because of, for example, their race, gender, disability age etc. This could be workplace discrimination with regard to such things as recruitment and selection or promotion.

Learners could be similarly victimised e.g. refusal of application or unfair marking.

Promoting and Implementing the Policy

The policy will be promoted via our website, as part of apprentice and staff induction, in apprentice handbooks, through discussion at staff meetings, through the use of case studies and as part of mandatory staff and apprentice training. All staff and apprentices complete the ETF E-learning course on Equality, Diversity and Inclusion during induction.

Details of wider promotion throughout staff groups are outlined below:

The board will:

- Provide leadership and ensure the accountability of equality and diversity
- Ensure that Momentum adheres to equalities legislation
- Ensure that equality and diversity aspects are built into Momentums strategic plans
- Provide leadership to ensure and promote equality of opportunity, no unlawful discrimination, harassment or bullying
- Provide appropriate role models for all managers, staff and learners
- Congratulate examples of good practice among individual managers, staff and learners
- Ensure a consistent response to incidents, e.g. bullying cases and racist incidents
- Initiate and oversee the development and regular review of equality policies and procedures
- Ensure that learners, staff and stakeholders are consulted in the development and review of the policies
- Ensure the effective communication of the policies to all learners, staff and stakeholders
- Ensure that managers and staff undertake the necessary training to enable them to carry out the policies
- Oversee the effective implementation of the equality and diversity policy
- Hold line managers accountable for effective policy implementation
- Ensure positive action is taken to tackle unlawful and unfair discrimination, inequality and unfairness
- Encourage opportunities for the sharing of good practice and working collaboratively
- Ensure learners and employers offering placements are aware of the actions taken to promote equality and diversity
- Provide mechanisms for the sharing of good practice
- Ensure information informing learners and staff of the action that they need to take if they are being bullied or harassed is readily accessible
- Ensure a consistent response to incidents, e.g. bullying cases and racist incidents
- Ensure that Momentum carries out its statutory duties effectively

Managers will:

- Ensure that there are explicit references to equality and diversity in schemes of work and lesson planning
- Monitor progress and review actions plans for all student groups
- Ensure team/ staff undertake appropriate equality and diversity staff training and other opportunities for CPD
- Monitor and assess the impact of CPD to ensure equality and diversity targets are met
- Ensure that equality and diversity themes are actively promoted where appropriate during lessons
- Ensure that inclusive risk assessments with disabled learners, including learners with medical conditions, mental health difficulties, physical or sensory impairments, are carried out when there is a perceived health and safety issue

Delivery staff will:

- Raise issues with line managers which could contribute to policy review and development
- Ensure discriminatory behaviour is routinely and effectively challenged
- Provide a consistent response to incidents, e.g. bullying cases
- Maintain awareness of Momentums current Equality and Diversity policy
Implement the policy as it applies to staff and learners
- Behave with respect and fairness to all colleagues and learners
- Undertake appropriate equality and diversity training and other opportunities for CPD
- Contribute to the implementation of Momentums Equality and Diversity policy
- Ensure opportunities for promoting equality and diversity in lessons are taken up
- Ensure that equality gaps are targeted, and their impact is monitored
- Undertake appropriate equality and diversity training and reflect on its impact
- Ensure that there are opportunities for all learners to share their comments, suggestions and feedback
- Ensure that inclusive risk assessments with disabled learners, including learners with medical conditions, mental health difficulties, physical or sensory impairments, are carried out when there is a perceived health and safety issue

Learners will:

- Behave with respect and fairness to all learners and staff
- Report any incidents of bullying or harassment
- Help to ensure that discriminatory behaviour is routinely and effectively challenged

Reporting and Complaints

Staff, learners or other parties who make a complaint of discrimination have the right to do so without fear of victimisation and Momentum will make every effort to ensure victimisation does not occur and that any complaints are dealt with promptly and fairly. Further information about how to make a complaint can be found in our Complaints policy. Any cases of harassment, discrimination, bullying or victimisation will be taken very seriously. Any member of staff or learners found guilty of unlawful discrimination or

harassment will be subject to disciplinary action, including where appropriate, dismissal for gross misconduct. Appropriate action will be taken against any member of the public, visitor or service provider involved in discrimination or harassment.

Links with other Momentum policies

This policy should be read in conjunction with the following policies:

- Safeguarding Policy
- Prevent Policy
- Equality and Diversity Action Plan
- Health and Safety Policy
- Equality act 2010
- Complaints policy
- Safer Recruitment Policy