



CITY OF LONDON COLLEGE

A UNIVERSITY SECTOR PREMIER COLLEGE

Equality and Diversity Policy

2022/202

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CLC is committed to providing equality of opportunity and freedom from unlawful discrimination on the grounds of age, sex, sexual orientation, disability, race (including colour, nationality, ethnic origin), religion or beliefs, gender reassignment, pregnancy and maternity status, marital or civil partnership status.

We value others for their contribution, irrespective of personal differences, and strive to provide a supportive and inclusive learning and working environment where everyone feels that they are valued and can work to achieve their potential.

As an organisation, we oppose and avoid all forms of unlawful discrimination and are committed to creating and promoting an environment that is free of bullying, harassment, victimisation and unlawful discrimination, promotes dignity and respect for all, with individual differences and contributions being recognised and valued.

No applicant for a training scheme place with CLC – or any Learner, customer, client or member of staff – shall knowingly receive less favourable treatment on these grounds, nor will any other condition or requirement that cannot be justified disadvantage them.

Through our policy, we aim to support our staff, learners, and others we work with in the building services engineering sector to continually reappraise its methods, and to support equality, diversity and inclusion to ensure continued success of the sector. We will:

- actively oppose all forms of discrimination and unfair or discriminatory practice value and harness the diversity of our staff, partners, learners, employers, suppliers, partner organisations and local communities
- create an environment within which all individuals are treated with fairness and respect, and expect everyone associated with CLC to embrace our core value of Respect
- tackle prejudice and promote understanding between different groups of people to create a harmonious and respectful workplace and learning environment
- take proportionate positive action to encourage participation of under-represented groups in our workplace and apprenticeship programmes
- embed the concept of British Values within our equality and diversity practices
- fully implement the Equality Act 2010 and associated legislation to eliminate discrimination, harassment and victimisation.

This policy applies in our employment practices, and across all areas of our training provision. While the overall responsibility for achieving, promoting and providing equality of opportunity rests with CLC, all CLC staff, partner organisations, suppliers, learners and their employers are required to conduct themselves in a way that respects, supports and acts in accordance with our Equality and Diversity Policy at all times.

CLC's Senior Management Team (SMT) will establish Equality & Diversity Objectives and Impact Measures (EDIMs) on an annual basis, and regularly review progress against these with the Board to continually improve our performance in this area

Date: 1st August 2020

Signed: Shahzad Yousuf, Chief Executive

Introduction

This policy and associated procedures and guidance is for all CLC staff, partners, learners and employers to help everyone to understand their responsibilities in supporting CLC's commitment to equality, diversity and inclusion. It outlines what we mean by equality, diversity and inclusion, the relevant law and associated codes of practice that we expect people to respect and abide by, and how we as an organisation do the same.

As an organisation CLC is committed to encouraging the building services engineering sector to continually reappraise its methods and support and value equality, diversity and inclusion to ensure both the continued success of the sector and make it more reflective of the modern British society that it serves.

Associated Policies

This policy is supported by a number of other policies and associated procedures with which it should be cross-referenced including, but not limited to:

- Customer Complaints Procedure
- Employee Privacy Statement
- Employer Handbook
- Health & Safety Policy
- Safeguarding Policy
- Bullying and Harassment Policy and Procedures (Anti-bullying)
- Staff Handbook:
 - Code of Conduct
 - Conflict Management Policy
 - Discipline & Grievance Policy
- Starting Work as an Apprentice
- Additional Learning Support
- Training Centre Policy and Procedures
- Communications Policy

Scope

This policy and associated policies and procedures are applicable to the CLC Board of Directors, all staff, applicants, learners, employers, sub-contractors, volunteers, workers supplied by agencies, contractors, other support workers and assistants accompanying learners, customers, visitors and any other partner organisations or procured bodies. It applies to all processes relating to employment, education and training and interactions with staff, learners, employers and partners.

This policy makes clear CLC's position on equality diversity and inclusion, and establishes the key principles, structures and monitoring arrangements that we use.

All trustees, staff, applicants, learners, employers, sub-contractors, volunteers, workers supplied by agencies, contractors, other support workers and assistants accompanying learners, visitors and customers and any other partner organisations or procured bodies are responsible for the promotion and advancement of this policy. Behaviour, actions and words that transgress this policy will not be tolerated and will be dealt with in accordance with the relevant CLC policy or procedure.

Publication and Communication

All employees, irrespective of their job or seniority, will be given guidance and instruction as part of their initial induction and through subsequent mandatory training to ensure that they understand their responsibility and role in promoting equality of opportunity, avoiding discrimination and valuing diversity.

Learners and their employers will be advised about this policy as part of their induction and sign-up procedures, and this policy will be available for reference on CLC's intranet and company website.

We require all partner organisations and subcontractors to reflect CLC policy within their own working practices. CLC will not contract with organisations who do not meet these standards.

Policies and working practices will be reviewed both as part of our due diligence activity prior to entering a commercial relationship, and annually thereafter during contractual reviews. Any breach of this policy could lead disciplinary action, up to and including dismissal or a request for remedial action and to cessation of services.

Statutory Responsibilities

CLC welcomes and fully accepts its responsibilities and adheres to UK equality legislation relevant to the organisation and its operations in England and Wales. Key to these is the Equality Act 2010 and associated codes of practice for further education applicable to training providers.

The Equality Act 2010 which forms the basis of this policy, uses the term 'protected characteristics' to refer to aspects of a person's identity that are explicitly protected from unlawful discrimination. These are:

- Age
- Gender reassignment/Identity
- Religion and belief
- Sexual orientation
- Pregnancy and maternity
- Disability
- Race
- Sex
- Marriage and civil partnership

Please note that whilst all nine characteristics apply in the employment duties of the act, the characteristic of marriage and civil partnership is not included in the education duties of the act.

CLC is also required to comply with government funding regulations that define the age limits for advanced apprenticeship eligibility, as well as health and safety regulations in relation to disability that are in force in the building services engineering sector in relation to certain standard fitness requirements.

CLC as an Employer

Equality in the workplace means:

- having trained staff who understand equality issues (and proactively promote these)
- having staff who support CLC's vision and values, including our core value of Respect (and pro-actively promote them)
- having a community of staff that reflects the diversity of modern British society (and pro-actively promotes it)
- having staff that will provide services fairly and effectively (and pro-actively promote them).

CLC has clear procedures regarding recruitment, development, and management of staff, which underpin our approach to equality, diversity and inclusion for our employees.

We will:

- operate a fair and open recruitment policy
- make decisions concerning recruitment, selection, training and development, and career progression of our employees in a fair and unbiased manner, solely based on objective criteria, individual merit and ability
- monitor wherever practicable, the protected characteristics of job applicants and employees in accordance the Data Protection Act 2018 and use this information to monitor the effectiveness of our policies
- take proportionate positive action to encourage participation of under-represented groups in our workplace and internal apprenticeship programmes
- take positive action to attract under-represented groups through targeted marketing activity
- make reasonable adjustments* to meet the needs of disabled and non- disabled job applicants and employees
- interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities
- discuss with disabled employees regularly what we can do to make sure they develop and use their abilities

- make every effort when employees become disabled to make sure they stay in employment
- facilitate special training or support to enable employees to progress within the company
- provide flexible working arrangements for staff
- monitor provision of training and development opportunities for staff to ensure equal access
- rigorously address concerns about bullying, harassment or victimisation through our policies
- ensure that terms and conditions of employment, procedures for redundancy and dismissal are free from all forms of direct or indirect discrimination.

**CLC employees can make requests for reasonable adjustments via their line manager and the HR team.*

CLC as a Training Provider

CLC delivers training to a wide variety of learners and their employers in the building services engineering sector from different backgrounds and communities in England and Wales. To ensure equality of opportunity we will:

- ensure information about our programmes is accessible and written in 'plain English' as well as provide information in different formats where required
- ensure our application and assessment processes are clearly communicated and fair, including for apprentices with learning difficulties so we do not create unnecessary barriers to participation
- provide a safe and welcoming environment in our training centres and office locations
- assess the individual needs of apprentices to understand any support requirements for additional learning needs, making reasonable adjustments while remaining compliant with building services engineering sector fitness and health and safety requirements, for apprentices with disabilities, to participate and achieve their goals
- embed equality, diversity and inclusion issues into CLC's teaching and learning curriculum to raise awareness and promote good citizenship and British Values
- challenge discrimination and negative behaviour and empower apprentices to do so
- gather, process and analyse equality data across our training provision, make required regulatory returns to the ESFA and Welsh Government, and take positive action to address gaps in achievement between different groups to achieve parity of outcomes for all
- celebrate success to promote equality and diversity and encourage others to achieve
- consult regularly about equality and diversity with our staff, learners,

employers, partners and external organisations to inform continuous improvement

- ensure that CLC has a current equality and diversity policy in place that includes appropriate channels and procedures for people who may need to raise complaints or grievances (see section 10).

CLC reserves the right to withdraw its training services from any learner or employer if they behave in a discriminatory, disruptive or abusive manner to any member of CLC staff, partner staff member, other learners or other person.

Rights of Disabled People

CLC values people with disabilities and attaches importance to their needs.

As an employer, CLC welcomes and supports the Disability Confident scheme, and uses best endeavours to ensure that full and proper consideration is given to people with disabilities who apply for jobs, and that reasonable adjustments are made to enable them to do that job.

There are, however, health and safety regulations in force in the building services engineering sector that CLC must always comply with when considering applicants for staff appointments and apprenticeships.

Subject to the health and safety regulations referenced above, CLC will offer all reasonable and practical support to employees and job applicants who have a disability as defined by the Equality Act 2010.

Under the terms of this policy, CLC will:

- make reasonable adjustments to maintain the services of an employee who becomes disabled, for example, through training, or the provision of special equipment
- give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their aptitudes and abilities to allow them to be able to do the job
- ensure that CLC managed learners who have an identified disability or additional learning needs receive reasonable adjustments and appropriate support from CLC and its partners throughout their apprenticeships.

Complaints

If an individual believes that they have suffered any type of discrimination, harassment or victimisation as, or by, a CLC employee or subcontractor, we will take this very seriously.

We have the following procedures in place to deal with complaints:

- Apprentices and Employers can raise complaint formally through CLC's Complaints Procedure.
- Employees can raise complaints formally through CLC's Discipline and Grievance procedure.
- Partners and service users should send their complaint to the relevant CLC department or to our Head of Quality & Audit.

CLC will investigate all complaints thoroughly and deal with them appropriately.

Bullying and Harassment

CLC has a separate Bullying and Harassment Policy and Procedures (Anti-bullying). This provides more details about the support we offer as well as information on the procedures available if someone needs to make a complaint about bullying or harassment. As part of this, CLC's Diversity, Safeguarding and Inclusion Advisors (DSIAs) can be contacted in confidence for support and advice if needed.

All allegations of unacceptable behaviour or working practice will be investigated thoroughly and dealt with appropriately.

Hate Crime

CLC will not tolerate sexist, racist, disablist, homophobic, bi-phobic or transphobic hate incidents. This includes racial or religious hatred, encouraging racial hatred and any form of violence or encouraging violence.

If you are a victim or witness of hate crime, we encourage you to report the incident, wherever it occurred, to a person you trust, such as your tutor, training officer, or one of CLC's DSIAs. CLC will provide help and advice and support. You can report hate crime incidents by phone, email or in person.

Language

CLC recognises that prejudice and discrimination may arise or be reinforced by a person's use of language, which may not be neutral or free from personal bias. This includes when writing, speaking, published materials, emails, and social media. Rather than tell people what language they can and can't use, we ask all employees, learners, subcontractors and employers to conduct themselves in a professional manner, use good judgement and be aware of common inappropriate or offensive references in relation to the protected characteristics outlined in section 5 of this policy, and the significant effect that using them can have on people.

Individuals should also refer to CLC's Communications Policy for detailed guidance and the procedures and sanctions related to viewing, sharing or attempts to distribute discriminatory, offensive and illegal electronic materials.

Advertising and Information

CLC is committed to equality and we will work to make sure that the language and images used in all publications and electronic media is inclusive and does not discriminate.

Responsibilities

All staff and delivery partners have a responsibility to uphold the commitments in this policy. Specific responsibilities are as follows:

CLC Board Directors and the Senior Management Team (SMT) is responsible for:

- ensuring that sufficient resources are available to facilitate the effective implementation and maintenance of this policy
- incorporating the promotion of equality into CLC's business planning

- establishing CLC's annual Equality and Diversity objectives and Impact Measures (EDIMs).

Senior Management Team is responsible for implementing this policy throughout the business:

- ensuring all CLC processes and practices (including recruitment, development and other personnel practices) promote fair and equal treatment
- delivering CLC's equality objectives
- providing advice and support on equality and diversity issues to their managers and staff
- undertaking monitoring activities to ensure the effective implementation of the policy.

All employees are responsible for complying with this policy in all their dealings with learners and their employers, partners, external organisations, local communities, and with each other.

Monitoring & Review

CLC regularly monitors and reviews a variety of information to assess and support the effectiveness of this policy. Data is processed in accordance with the Data Protection Act 2018.

- CLC routinely collects and analyses information on employees, applicants and learners by age, gender, marital status, and ethnic origin. Information regarding the number of staff and learners who declare themselves as disabled is also maintained.
- CLC will monitor employee data on an annual basis in relation to recruitment, selection, learning and development and equal pay to assess the equality of opportunity afforded to staff, and the diversity balance achieved in our workforce.
- Data on learner recruitment, retention and achievement will be analysed and evaluated by demographic breakdown on a regular basis to consider the parity of starts, outcomes and retention between different groups.
- Staff and Learners are consulted through the Inclusion & Safeguarding Working Group, Staff Forum and Learner surveys to gain their input and feedback in relation to equality, diversity and inclusion.
- Partner policies in relation to equality and diversity are verified annually as part of annual Training Centre contract reviews.
- The Board reviews progress against CLC's agreed EDIM objectives on a quarterly basis, as well as progress against action plans related to the maintenance and development of CLC's accreditations and memberships such as 'Disability Confident' and as a Stonewall Diversity Champion.

CLC will review this policy on an annual basis to ensure that all updates to legislation are reflected, and emerging best practice adopted.

Definitions of Equality, Diversity and Inclusion

Equality is not about treating everyone the same. It is about treating people fairly, and a recognition that some groups and individuals have particular and specific needs that need to be met if they are to enjoy equal access during their employment and education.

At CLC , we recognise that some people who work and study with us may need some reasonable adjustments and additional support to ensure equality of opportunity or access if they come from a position of persistent and long-standing disadvantage.

Diversity means recognising that individual and professional differences are a natural part of society and can often create an opportunity for those who recognise them. Valuing diversity involves an acknowledgement of the benefits and intrinsic worth that can be derived from these differences and seeing this as a strength.

At CLC , we aim to celebrate and value these differences. We seek to promote greater mutual understanding between groups and individuals who reflect these differences as way to make valuable use of the talents and experiences they bring to CLC . We actively work to encourage discussion and understanding of the British Values in our apprenticeship training to further reinforce the value of diversity with the building services engineering sector.

Inclusion can be defined as the complete acceptance and integration of learners and staff regardless of their diverse backgrounds to create a culture and sense of belonging, engagement and participation across CLC .

It is CLC's ethos that our working environment should be open, inclusive and respectful to all.

Relevant Legislation and Codes of Practice

CLC welcomes and fully accepts its responsibilities and will adhere to all relevant UK equality legislation including, but not limited to:

- Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Racial and Religious Hatred Act 2006
- Data Protection Act 2018 (including the General Data Protection Regulations)
- relevant Codes of Practice issued by the Equality & Human Rights Commission
- any amendments to the above legislation.

British Values in Education

The Ofsted definition of British Values in education is:

- democracy
- the rule of law
- individual liberty

- mutual respect for and tolerance of those with different faiths and beliefs and for those without faith.

Types of Discrimination under The Equality Act 2010

The legal definitions vary but, broadly speaking, discrimination is either direct or indirect.

The Equality Act 2010 recognises the following types of discrimination:

- direct discrimination, including perception and associative discrimination
- indirect discrimination
- harassment
- victimisation
- discrimination arising from a disability
- failure to make reasonable adjustments.

Direct Discrimination is when a person is treated less favourably than others would be treated in the same circumstances because they have a protected characteristic, as referred to in section 5 of this document.

Discrimination by Association (Associative) is direct discrimination against someone because they associate with another person who has a protected characteristic, as referred to in section 5 of this document. For example, disability discrimination against someone who is a carer of a disabled person.

Discrimination by Perception is direct discrimination against someone because it is believed that they have a particular protected characteristic. It applies even if the person does not actually have that characteristic, for example, discrimination against someone because they are thought to be gay but are not.

Indirect Discrimination is when applying a condition or practice puts someone from a group of people with a protected characteristic (see section 5) at a particular disadvantage.

Indirect discrimination can only be justified in exceptional circumstances if it can be shown that the action was reasonable in managing the business or organisation, that is, it is 'a proportionate means of achieving a legitimate aim'.

Discrimination arising from Disability/Failure to make reasonable adjustments:

discrimination occurs when an employer or organisation fails to:

- take reasonable steps to avoid a provision, criterion or practice that puts a disabled person at a substantial disadvantage compared to people who are not disabled; this includes formal and informal rules, practices, arrangements or qualification including one-off decisions and actions
- remove or alter a physical feature or provide a reasonable means of avoiding a feature e.g. building design, access, fixture/fitting, furniture or equipment where it puts a disabled person at a substantial disadvantage compared to people who are not disabled
- provide auxiliary aids or services where this is the only thing that

would put the disabled person at a substantial disadvantage

- provide information in an accessible format.

Harassment can be defined as being ‘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’. Harassment applies to all protected characteristics, as referred to in section 5 of this document, except for pregnancy and maternity and marriage and civil partnership.

Individuals can complain about behaviour that they find offensive, even if it is not directed at them, and they do not have to have the relevant characteristic themselves.

Individuals are also protected from harassment by association or because of a perceived protected characteristic. For more details, please refer to CLC’s bullying and harassment policy at: www.CLC-london.ac.uk/apprenticeships/equality-and-diversity.

Victimisation is where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act (2010) or helped someone else to do so.

This includes making a complaint, taking legal action, providing evidence related to proceedings or claiming that discrimination has taken place. Because every situation is different, the law states that there is no legal requirement to compare treatment of a complainant with that of a person who has not made or supported a complaint.

Victimisation may take place if, for example, an apprentice claims they have encountered racism from another employee in their place of work, and as a result either the apprentice or the employee is ignored by other staff members or apprentices.

An individual is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Genuine Occupational Requirements

Under current legislation, any job may be restricted to a particular characteristic if the characteristic is a ‘genuine occupational requirement’ (GOR) for the job, or for the situation within which it is carried out. (For example, a religious organisation could request that a job holder is a practising member of their faith.)

Positive Action

Where members of a protected group are under-represented, action can be taken to encourage people belonging to that group to take advantage of opportunities for training or work experience or encourage them to apply for a particular job.