

# Equality and Diversity Policy

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## Introduction

Busy Bees Education & Training Limited (Busy Bees Training) is passionate about inclusion, respect and enabling all Learners and staff to reach their full potential. This policy was developed in consultation with staff, learners and partner organisations that have a legitimate interest in the Equality and Diversity policy.

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## 1. Policy

- 1.1 Busy Bees Education & Training Limited (Busy Bees Training) is passionate about inclusion, respect and enabling all Learners and staff to reach their full potential. This policy was developed in consultation with staff, learners and partner organisations that have a legitimate interest in the Equality and Diversity policy.
- 1.2 This policy describes Busy Bees Training's vision and commitment to Equality and Diversity Legal duties under the requirements of The Equality Act 2010 in employment, facilities, goods and services and admission and treatment of learners. General and specific equality duties. Practical steps for implementation of the policy.

## 2. Our vision

- 2.1 Our vision for Equality and Diversity is clear; we want staff and learners to flourish at Busy Bees Training and feel that they have a fair and equal chance to reach their full potential. To achieve excellence for our communities nationally we need to continue to Care. By doing so we are creating a Collaborative, Aspirational, Responsive and Empowering environment whereby staff and learners are motivated to enable them to thrive in a changeable local and global economy. We aim to respond to varied ranges of needs expressed by learners and our stakeholders and celebrate the benefits of difference.
- 2.2 As a truly inclusive Training Provider we will continue to recruit talent from all sectors of society, fully develop the talent of all our staff and learners and build collaboration and a sense of community.

We aim to go beyond statutory requirements to ensure our staff, learners and stakeholders have the best experience possible. We aim to continue to develop a corporate culture that is inclusive at all levels and in every system and process. Through our Equality and Diversity Strategy and Equality Action Plan we will work with people from across Busy Bees Training, the Busy Bees Group and beyond to not only deliver our statutory responsibilities, but to exceed them.

## Our mission is underpinned by the following values:

Our learners and staff are at the heart of what we do. We practice inclusion and value diversity throughout the company structure to ensure that this representational across the whole of Busy Bees Training.

We seek to empower and promote ownership at all levels, ensuring our commitment to all our learners, staff and stakeholders. We endeavour to deliver opportunities and prosperity for learners, employers and the wider community in and around the UK. We work positively in partnership with a diverse range of organisations and companies. And manage our resources responsibly for the benefit of our learners, staff and Stakeholders.

## 3. Scope

- 3.1 This policy has direct implications for all other Busy Bees Education & Training Ltd policies. We believe that delivering Equality and Diversity is one crucial strand of Busy Bees Training's approach to overall quality improvement and we place it at the very heart of all that we do.
- 3.2 Anyone who comes into contact with Busy Bees Training, external or internal customers, will benefit from this policy. All members of Busy Bees Training - staff, learners and volunteers are subject to this policy. The policy is also binding on our external contractors, employers and other partners that Busy Bees Training collaborates with. The policy applies to all sites and premises belonging to Busy Bees Training or used by Busy Bees Training for carrying out its functions.

## 4. Equality Duties

- 4.1 Busy Bees Training welcomes its Equality Duties to Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the equality Act 2010; Advance equality of opportunity between people from different groups; and Foster good relations between people from different groups. Work with partner organisations who deliver on our behalf, who take due regard of the specific equality duty

## 5. Meeting Legal Duties

- 5.1 Protected Characteristics and Changes in Law Under the Equality Act 2010 the headings of age, disability, race, religion or belief, gender, sexual orientation, gender reassignment, marriage and civil partnership, and pregnancy and maternity are known as 'protected characteristics'.

Some new definitions of unlawful treatment were introduced by the Equality Act 2010, especially in relation to associative discrimination, perceptive discrimination, third party harassment and victimisation. For more details see Appendix 1.

- 5.2 Employment - It is unlawful to discriminate directly or indirectly in recruitment or employment because of any of the nine "protected characteristics" in the Equality Act 2010. No member of staff, or prospective member of staff, should receive unfair or unlawful treatment due to their protected characteristic or characteristics. Busy Bees Training will seek to identify and act upon any unfair or unlawful discrimination which denies individual opportunities due to the criteria mentioned above. For more details on types of unfair and unlawful treatment go to Appendix 1.
- 5.3 Equal Pay - The Busy Bees Training has a structured pay system and will carry out pay audits following the Equal Pay Code. Any inequalities in the area of equal pay will be tackled through equal pay action plans, inclusive of Gender equality gaps.

## 6. Provision of Services, Functions and Associations

- 6.1 The Equality Act 2010 makes it unlawful for staff to discriminate directly or indirectly or harass customers or clients because of the protected characteristics of age, disability, marriage and civil / partnership, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation in the provision of goods and services.
- 6.2 Reasonable adjustments will be provided for staff, learners and customers who may be experiencing barriers due to disability, including alternative formats for other relevant 'protected characteristics'.
- 6.3 The recruitment, retention and achievement of learners will be monitored by 'protected characteristics' where possible to determine trends and enable Busy Bees Training to provide focused support where it may be needed to ensure success. Decisions on which protected characteristics will be monitored by the Busy Bees Training will be determined by consultation,

reasonableness, meaningfulness and resources available. By these means patterns of inequality will be challenged.

- 6.4 The Admissions Policies of Busy Bees Training support non-discriminatory access. Every effort will be made to ensure equality of opportunity for all learners providing suitable support in order for all learners to access all services and facilities at Walsall Busy Bees Training.
- 6.5 All activity will consider Equality and Diversity issues and will be reflected in quality processes.
- 6.6 All forms of oppressive behaviour/bullying/harassment will be directly and appropriately challenged by staff and learners at all times in accordance with Positive Communities & British Values Agreement, Speak Up Policy. Training will be available to staff to support them in this activity.
- 6.7 Busy Bees Training's Speak Up Policy/Procedure and the Customer Feedback will enable those who believe they have been victims of discrimination and harassment to raise concerns and achieve redress without undue delay or difficulty.
- 6.8 Learner induction, Reviews and curriculum will continue to use all opportunities to embed the principles that underpin Equality and Diversity.
- 6.9 Our approach to respect Positive Communities & British Values and how to raise concerns if this is not adhered to will be well publicised via our Speak Up Policy/ Procedure.
- 6.10 A range of activities will be used to identify learner perceptions of Busy Bees Training's environment and the quality of their experience.

## 7. The Quality of Provision

- 7.1 Effective Teaching, Training and Learning. Imbedded through our curriculum.
- 7.2 All teaching and training resources and curriculum will ensure that they reflect and promote Equality and Diversity where appropriate.
- 7.3 Departments will take systematic steps to ensure that learners have access to all opportunities irrespective of protected characteristic.
- 7.4 English for Speakers of Other Languages (ESOL) support will be available to those learners who need it (where funding is available) to maximise learning outcomes and opportunities in the UK economy.
- 7.5 Admissions processes and initial assessment prior to courses beginning will be used to

personalise support for learners, including those with additional support needs.

- 7.6 Every opportunity will be given throughout each cohort for learners/staff to disclose any disabilities or learning difficulties or other needs relating to 'protected characteristics' that they may have. Busy Bees Training will, through a culture of inclusivity, ensure an environment in which people feel able and confident to disclose and to see disclosure as the right course of action. We will seek to provide reasonable adjustments in response to disclosure.
- 7.7 All providers of work-based learning under contract to Busy Bees Training and those contracting with Busy Bees Training will be made aware of the Busy Bees Training Equality and Diversity and related policies and will be expected to comply with them. Equality and Diversity issues will be raised in Busy Bees Training visits to employers and with learners on work-based learning.
- 7.8 Work based learners will be empowered and supported to challenge practices and behaviours in the workplace which they feel contravene Busy Bees Training policy in relation to Equality and Diversity.

## **8. Meeting the Needs and Interests of Learners**

- 8.1 In valuing and taking the prior attainment and experience of learners into account the Busy Bees Training will promote activity and experience undertaken within ethnic, religious or other cultural communities.
- 8.2 Busy Bees Training will support the development of community cohesion and community development through partnership with other organisations including statutory and community/voluntary organisations.
- 8.3 Opportunities to celebrate diversity and to share experiences and knowledge will be offered via curriculum and cross Busy Bees Training activity.

## **9. Learner Guidance and Support**

- 9.1 Information, advice and guidance will be delivered in ways accessible to different groups with protected characteristics and in ways that challenge stereotypes and equip learners to defend their rights to fair treatment.
- 9.2 Support services will meet the needs of learners from diverse backgrounds and communities.

## **10. Consultation and Participation**

- 10.1 Busy Bees Training wishes to provide the highest standard of access in all consultation processes. Consultation and participation enables Busy Bees Training to better meet and serve the needs of all existing and potential service users. Busy Bees Training will consult with a range of organisations/individuals including staff, learners and other stakeholders such as Community groups and specific interest groups within the communities that we work.

## **11. Training and Development**

- 11.1 In conjunction with this policy, Equality and Diversity training will be updated and offered to all staff and other relevant stakeholders to raise knowledge of equality legislation, develop Equality and Diversity competencies and tackle discriminatory practice and behaviours. Staff will be required to undergo refresher training every three years as a minimum.

## **12. Complaints/Alleged Breaches**

- 12.1 Busy Bees Training has a number of ways in which staff and learners can raise concerns in relation to any breach of this Policy, e.g. the Complaints Policy, the Speak Up Policy, the Grievance Policy. The Disciplinary Procedure for staff and the Behaviour Management and Disciplinary Procedure for learners will be followed where necessary.

## **13. Monitoring**

- 13.1 The effectiveness of this Policy will be monitored through learner and staff data. Busy Bees Training has an Equality Action Plan.

## **14. Other Legal Duties**

- 14.1 In putting this policy into practice, Busy Bees Training will work to meet all other duties (see Appendix 2) introduced under the following laws and regulations and will be ready to implement future legislation in this area.
- The Equality Act 2010. Rehabilitation of Offenders Act 1974
  - The Protection from Harassment Act 1997 Human Rights Act 1998

## Appendix 1

### Types of Discrimination

**Direct Discrimination** - This occurs when someone is treated less favourably than another person because of a protected characteristic.

**Associative Discrimination** - This is direct discrimination against someone because they associate with another person who possesses a protected characteristic (for example, a mother of a disabled child).

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

**Indirect Discrimination** - Indirect discrimination can occur when an employer has a condition, rule, policy or a practice in the company that applies to everyone but which particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if employers can show they acted reasonably in managing their business.

**Harassment** - Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

**Third Party Harassment** - The Equality Act makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of the company, such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions and they were aware that it has taken place but did not take reasonable steps to prevent it from happening again.

**Victimisation**- Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

**Failure to make reasonable adjustments** - the duty to make reasonable adjustments comprises three requirements for service providers and those exercising public functions. These requirements are: Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.

Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function. Where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.



## Appendix 2

### Other Key Changes in the Equality Act 2010

**Positive Action** - As with previous equality legislation, the Equality Act allows Employers to take positive action if they think that employees or job applicants who share a protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

**Pre-Employment Health-Related Checks** - The New Equality Act limits the circumstances when employers (or agencies) can ask health related questions (of the applicant or in a reference request letter) before they offer an individual a job. Now, before a job offer, employers can only ask health-related questions that help them:

- Decide whether they need to make any reasonable adjustments, for the person, during the selection process Decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people and assure themselves that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Once a person has passed the interview and has been offered a job then it is permitted for the employer to ask appropriate health-related questions.

**Extension of Employment Tribunal Powers** - Under previous legislation, an employment tribunal could recommend that an employer must eliminate or reduce the effect on the claimant of any discrimination.

The Act extends this power so that it will now be possible for a tribunal to make recommendations that an organisation takes steps to eliminate or reduce the effect of discrimination on other employees, not only on the claimant (even if the claimant has left their employ). For example, the tribunal might specify that an employer needs to train all staff about the organisation's bullying and harassment policy. This power does not apply to equal pay cases.

**Equal Pay** - Direct Discrimination the Equality Act retains the previous framework that was in place. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still must be made by comparison with a real person of the opposite sex in the same employment.

However, a change in the Equality Act allows a claim of direct pay discrimination to be made, where no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work in the organisation. This would be a claim under sex discrimination. The Act carries provisions to introduce compulsory pay audits for employers with more than 250 employees from 2013 (if felt legislatively necessary). Public sector bodies with more than 150 employees will be required to report on gender pay (as well as other equality data) by April 2011.

**Pay Secrecy** - The Act makes it unlawful for an employer to prevent or restrict their employees from having a discussion to establish if differences in pay exist that are related to protected characteristics and outlaws pay secrecy clauses in contracts of employment. An employer can require their employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

**Procurement** - The Equality Act contains a specific measure on procurement, making provision: "to enable duties to be imposed in relation to the exercise of public procurement functions". The Act: "makes it clear public bodies can use procurement to drive equality" and creates a more explicit connection between procurement and the new Public Sector Equality Duty.

The Act will 'encourage' and 'enable' Busy Bees Training to use its procurement activities to further equality objectives and seeks to invoke a cultural shift in how public authorities pursue equality objectives through their procurement activities.

Local authorities are explicitly permitted to take non-commercial matters into account during the procurement process, when they consider it is 'necessary' or 'expedient' to do so. This is in order to comply with the Equality Duty.

### **Useful Contacts and Publications**

- ACAS National Euston Tower 286 Euston Road London, NW1 3JJ Web Site: [www.acas.org.uk](http://www.acas.org.uk)  
Tel: 0300 123 1100
  - Equality & Human Rights Commission FREEPOST Equality Advisory Support Service FPN4431  
Tel: 0808 800 0084 Web Site: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
  - Multifaithnet Web site: [www.multifaithcentre.org](http://www.multifaithcentre.org)
  - Gay & Lesbian Humanist Association Web site:[www.galha.org](http://www.galha.org)
  - Stonewall Tower Building York Road London SE1 7NX Tel: 0207 593 1850 Web site:[www.stonewall.org.uk](http://www.stonewall.org.uk)
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