

EQUALITY OPPORTUNITY, DIVERSITY, ANTI-HARASSMENT AND BULLYING POLICY

This policy covers all aspects of cHRysos HR Solutions Limited's business and applies to staff, associates and learners/apprentices. It relates to activities taking place on cHRysos HR premises and at other sites where staff, associates and learners/apprentices may be working.

Policy Statement

cHRysos HR Solutions Limited is committed to providing equal opportunity and to avoiding unlawful discrimination, harassment and bullying of staff, associates and learners/apprentices.

cHRysos HR Solutions Limited is committed to recognising and removing the barriers that prevent or make it difficult for anyone to use our services; these barriers include the physical environment as well as the attitudes and behaviours of staff – including part-time and contracted staff – learners/apprentices and the policies and procedures we put in place.

This policy is intended to assist cHRysos HR Solutions Limited to put this commitment into practice.

cHRysos HR Solutions Limited does not tolerate any prejudicial, discriminatory behaviour, bullying, harassment or victimisation.

cHRysos HR will seek to promote equal opportunity and prevent discrimination, harassment and bullying by communicating and sharing this policy.

This policy will be reviewed annually and when any legislative changes occur.

The organisation will monitor this policy and practices to ensure that these principles are upheld. It is the right of all employees, associates and learners/apprentices to be treated with dignity and respect and it is the responsibility of all concerned to treat others with dignity and respect.

Commitment to implementation of the policy

Overall responsibility for the implementation of this policy is vested in the cHRysos HR Board who will monitor its implementation through Key Performance Indicators.

It is the responsibility of all employees/associates/learners/apprentices to accept their personal involvement in the practical application of the policy.

All employees and associates are required to assist the organisation to meet its commitment to provide equal opportunities and avoid unlawful discrimination, harassment and bullying.

Every member of staff, associate and learner/apprentice has a responsibility to:

- Listen to what others say and respect their point of view
- Treat others with dignity and respect
- Report any incident of discrimination, harassment or bullying
- Question their own prejudices and assumptions
- Familiarise themselves with the responsibilities that equalities legislation places on them

Commitment to the policy will be maximised by the following activities:

Communication and Promotion

- The policy will be shared with all employees, associates, learners and apprentices and their employers
- The policy will be included within all learning programme handbooks, including those for apprenticeship programmes
- The policy will be published on the cHRyos HR website
- The policy will be highlighted at least annually in the bi-monthly Team Update Newsletter
- Equality and diversity and this policy will be discussed with apprentice employers to ensure there are processes in place to protect apprentices and raise related issues.
- Equality and diversity will be discussed at apprentice review meetings

Training

For employees –

- New employees will be briefed on this policy and its implementation, and trained in equality and diversity during induction
- Existing employees will be re-briefed on this policy and its implementation, and re-trained in equality and diversity every two years, with an annual update/highlight through the bi-monthly Team Update Newsletter
- Training will be monitored through the cHRyos HR Single Central Record and within the Performance and Development Review process
- Employees with teaching and learning responsibilities will be trained in embedding equality and diversity into their practice and the content of their delivery

For learners/apprentices –

- Learners/apprentices will be briefed on this policy and how to raise a related issue, and trained in equality and diversity during induction

Recruitment and Selection

This policy is key to appropriate practices in the recruitment and selection of employees and will be implemented by ensuring:

- Role profiles setting out clear accountabilities and a person specification, including responsibility for meeting the requirements of this policy
- Advertising practices that reflect equality and diversity and do not disadvantage candidates
- Selection practices that are accessible and do not disadvantage candidates
- Using only criteria set out in the role profile in the selection of candidates
- Induction content that includes the briefing of this policy, and training in equality and diversity

A separate Recruitment and Selection policy is in place which reflects the implementation of this policy.

Other Employment Practices

In addition to recruitment and selection, cHRyos HR is committed to equality and diversity across all employment practices and the review of policies and procedures will incorporate any changes necessary to continue to reflect the implementation of this policy.

Definitions

Equal opportunity is the commitment to promoting equality and diversity in all aspects of business to ensure that individuals are not treated less favourably due to their age, sex, marital status, sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs - known as protective characteristics.

Discrimination means treating people less favourably than others on the grounds of their age, sex, marital status, sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, whether this be direct or indirect by applying a provision, criterion or practice, which disadvantages such persons.

Direct discrimination is where a person is treated less favourably than another in comparable circumstances because of a protected characteristic. An example of direct sex discrimination would be refusing to employ a woman because she is pregnant.

Indirect discrimination occurs where a provision, criterion or practice (PCP) applies to everybody, but the PCP:

- has a disproportionate impact on people with a protected characteristic,
- is to the disadvantage of a person with that protected characteristic, and
- is not a proportionate means of achieving a legitimate aim.

An example would be if an employer introduced a shift pattern which requires all employees to work until 10pm three times a week – this would be a PCP. The employer applies it to all employees. However, women (protected characteristic of sex) are going to be disproportionately affected by this PCP because women are more likely than men to have caring responsibilities. One particular woman cannot work the shifts and she claims indirect discrimination. This would indeed be indirect discrimination unless the employer could demonstrate that there was a strong business reason for the change (a proportionate means of achieving a legitimate aim).

Associative discrimination is discrimination against an individual because they have an association with someone with a protected characteristic. An example of associative discrimination might be a non-disabled employee who is discriminated against because of action she needs to take to care for a disabled dependent.

Perceptive discrimination is discrimination against a person because the discriminator thinks the person possesses a protected characteristic, even if they do not in fact do so. An example of this might be discriminating against a man who has gay friends because it is believed he is gay too.

Diversity is recognising that individuals and groups of people are different.

Harassment is defined as any hostile unwanted, unreasonable and/or offensive behaviour, which adversely affects a person's dignity, self-confidence and well-being and creates a hostile environment and which leads to that person feeling intimidated, degraded or humiliated.

Bullying is defined as repeated treatment with the purpose of controlling individuals or making them feel insecure or treatment that has that effect. This may be in person or using technology including the internet and social media.

Victimisation is defined as treating persons less favourably because of something they have done under or in connection with asserting their rights under any employment legislation or regulations.

Policy

In line with this policy, cHRysos HR will:

- Promote an ethos that positively reflects the organisation's commitment to equal opportunities.
- Ensure that all learners/apprentices, staff and associates are aware of the policy.
- All learners/apprentices, staff and associates are required to comply with this policy.
- Provide a complaints process so that learners/apprentices, staff and associates can report any incidents.
- Provide an accessible, physical learning environment.
- Provide a supportive learning environment.
- Provide support to learners/apprentices by putting a Individual Support Plan in place for learners/apprentices with a disability.
- Ensure that staff, associates, learners/apprentices are familiar with cHRysos HR's Safeguarding and Prevent procedures
- Ensure staff, associates, learners/Apprentices are familiar with cHRysos HR's Use of IT policy.
- Monitoring this policy and practices.
- Reviewing this policy annually and in line with relevant legislation.

Procedure for discriminatory conduct, bullying or harassment

Discriminatory conduct

Any member of staff may use the cHRysos HR grievance procedure to complain about discriminatory conduct against them.

Any associate or learner/apprentice who feels that they have been discriminated against in the course of their work or study with cHRysos HR should make their complaint to the Managing Director, cHRysos HR Solutions Ltd, Room LN21, Armstrong House, First Avenue, Doncaster DN9 3GA, email julie@chrysos.org.uk.

The complaint/grievance will be thoroughly investigated and considered based on the facts of the investigation. No individual will be penalised for raising such a grievance or complaint unless it is untrue and made in bad faith. If the matter relates to harassment or bullying of any kind the anti-harassment and bullying procedure set out below should be followed.

Any employee who discriminates against any other employee on the grounds of age, sex, marital status, sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, will be subject to cHRysos HR's disciplinary procedure as set out in the disciplinary policy. In serious cases where such behaviour has been deemed to constitute gross misconduct it will result in summary dismissal in the absence of mitigating circumstances.

Any learner found to be discriminating against any cHRyos HR employee, associate or learner/apprentice may be removed from their programme of study. No refund of fees will be made in these circumstances.

In circumstances where an apprentice is accused of discriminating against any cHRyos HR employee, associate or learner/apprentice, the matter will be reported to the apprentice's employer and following investigation the apprentice may be removed from their programme of study.

Anti-Harassment & Bullying Procedure

As well as its commitment to equal opportunities, cHRyos HR is committed to providing an environment for employees, associates, learners/apprentices which is free from harassment or bullying on the grounds of age, sex, marital status, sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs. This may include embarrassment, intimidation, threats or discrimination.

Reasonable measures will be taken to ensure that no employee, associate, learner/apprentice is subject to harassment or bullying. In recognition of these principles cHRyos HR does not condone behaviour which may be construed as sexual harassment.

Any complaints of harassment or bullying should be made to the Managing Director, cHRyos HR Solutions Ltd, Room LN21, Armstrong House, First Avenue, Doncaster DN9 3GA, email julie@chryos.org.uk. The matter will be dealt with in a discreet and confidential manner and appropriate action will be taken. It is the duty of the Managing Director, all employees, associates, learners/apprentices to ensure that the anti-harassment and bullying policy is implemented. Harassment or bullying will be taken to have occurred if a reasonable individual would or ought to have known that the behaviour was unwelcome or offensive.

Harassment and bullying by an employee is a disciplinary offence that may in the most serious cases lead to dismissal. Incidents of sexual or racial harassment can be taken to amount to gross misconduct, which under the organisation's disciplinary policy may lead to summary dismissal.

Harassment and bullying by a learner may lead to that individual being removed from their programme of study. No refund of fees will be made in these circumstances.

Where an apprentice is accused of harassment or bullying, the matter will be reported to the apprentice's employer and following investigation the apprentice may be removed from their programme of study.

Individuals should be aware that in some circumstances they may be held personally liable for acts that are unlawful.

In dealing with reports of harassment or bullying the following principles will apply:

- All reports will be taken seriously, treated in confidence and investigated by staff who are independent of the situation.

- Where there is reason to believe that there is a risk to the personal safety of the complainant or of another person, or that a criminal offence has been committed, cHRyos HR may take legal advice and/or inform the police before proceeding with any internal action.
- The victimisation or harassment of a complainant or the respondent, or any witnesses will be regarded as a disciplinary offence in the case of an employee or may result in termination of contract for services in the case of an associate or removal from learning programme in the case of a learner/apprentice.
- Where a complaint of victimisation or harassment of a complainant is made against an apprentice the matter will be reported to the apprentice's employer and following investigation the apprentice may be removed from their programme of study.
- Malicious complaints will be regarded as a disciplinary offence or reason for removal from learning programme, as appropriate.

Equality and Diversity and Apprenticeship Training

Equality and diversity are embedded throughout all stages of our apprenticeship training programmes and is implemented through the following actions:

- Where cHRyos HR is asked to support the recruitment of an apprentice for an employer, this will be carried out in line with the cHRyos HR Recruitment and Selection Policy, using practices that support equality and diversity
- The promotion and marketing of apprenticeship programmes will avoid the use of discriminatory language and approaches to recruitment
- Processes for the recruitment of apprentices onto an apprenticeship training programme, including initial diagnostic activities and assessment of eligibility, will not preclude any individual from joining an apprenticeship programme on the basis of a protected characteristic
- Enrolment processes will capture information relating to SEND so that an Individual Support plan can be put in place where required and in agreement with the apprentice. This will incorporate any reasonable adjustments and special considerations to enable fair access to teaching, learning and assessment. cHRyos HR employees working with the apprentice will be briefed on the support agreed with the apprentice and ensure that the apprentice is not disadvantaged.
- The Designated Safeguarding Lead will undertake a risk assessment for any apprentice with SEND requirements to ensure they can access a safe place to learn.
- Apprentices will be given access to this policy and their induction will include input on equality and diversity. They will be briefed on action to take if they have an equality and diversity concern.
- Equality and diversity and this policy will be discussed with apprentice employers to ensure there are processes in place to protect apprentices and raise related issues.
- Monitoring of progress, achievements and destination will include the analysis of data relating to SEND learners with actions planned and implemented to address any impact identified.

- Equality and diversity will be discussed with apprentices at 3-monthly progress reviews and support given in addressing any issues that arise.
- Equality and diversity will be embedded into teaching and learning activities as appropriate
- The learning environment will be planned to ensure that it is accessible to all apprentices.
- Any reasonable adjustments and special considerations needed for on-programme assessment will be discussed with apprentices so that appropriate action can be taken.
- Any reasonable adjustments or special considerations needed for end point assessment will be discussed with the end point assessment organisation.

Safeguarding and Prevent

A Safeguarding and Prevent policy and procedures are in place within cHRysos HR to protect individuals from harm, abuse, maltreatment, neglect, radicalisation or exploitation. Staff, associates, learners/apprentices may become aware of a situation involving harassment and bullying as a result of a safeguarding/Prevent issue. Where this is the case, the Safeguarding and Prevent policy and procedures must be implemented alongside this policy.

Link with further cHRysos HR policies

Safeguarding and Prevent

Use of IT

Recruitment and Selection

Discipline

Grievance