

Learning Partnership West CIC

Equal Opportunities Policy

Version 1.5, January 2023

Definitions

“LPW” Shall mean Learning Partnership West CIC

“Worker” Shall mean those who work and/or provide services for and to LPW under any type of contract

1. Scope

This policy applies to all Workers. LPW is committed to providing equal opportunities and avoiding unlawful discrimination. This policy is intended to assist LPW to put this commitment into practice. Compliance with this policy will also ensure that workers do not commit unlawful acts of discrimination.

This policy is for guidance only and it is not intended to have any contractual effect. It is kept in line with LPW practice and current legislation and may, at the absolute discretion of LPW change as business practice, case law and/or legislation changes.

2. Conduct

Under the Equality Act 2010 It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

It is unlawful to discriminate against or harass a member of the public in the provision of services or goods. There is an obligation to consider and implement (where appropriate) reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments can include the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. Workers have an obligation to think ahead and address any barriers that may impede those individuals with disabilities from accessing a service.

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

In certain circumstances, LPW can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement relied upon will be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination occurs where a provision, criterion or practice is applied and results in those individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) being subjected to a detriment when compared to those who do not share such protected characteristic, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment occurs where there is unwanted conduct, related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination occurs where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Victimisation occurs where a worker is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. A worker is not protected from victimisation if they act maliciously or make or support a knowingly untrue complaint.

Failure to make reasonable adjustments occurs where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and LPW has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

3. Workers' Responsibilities

Every Worker is required to assist LPW to meet its commitment to provide equal opportunities in employment and the provision of its services and to avoid unlawful discrimination.

Workers will be accountable as well as, or where relevant instead of, LPW for any act of unlawful discrimination. Workers who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against workers, volunteers or service users are disciplinary offences and will be dealt with under LPW's Conduct and Disciplinary Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

4. Equal Opportunities in Employment

LPW will strive to avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

LPW is committed to applying this policy at all stages of recruitment, selection and employment.

Advertising, interviews and selection will always be carried out without regard to gender, gender reassignment, sexual orientation, marital or civil partnership status, colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.

Reasonable adjustments to recruitment and selection processes will be made to ensure that no applicant is disadvantaged because of their disability. Any candidate with a disability will not be excluded unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having taken into account reasonable adjustments.

Job requirements and/or reference to job descriptions will be limited to those requirements that are necessary for the effective performance of the job.

Line Managers conducting recruitment and/or selection interviews and assessments will ensure that the questions that they ask are not in any way discriminatory or unnecessarily intrusive. Wherever practicable, the same panel will see all the applicants for the relevant position. At least one member of all interviewing panels will have undertaken safer recruitment training. All panel members will have undertaken training in fair recruitment processes. A record of every recruitment interview and assessment must be made and passed to the HR department to be retained for a suitable period of time as described in LPW's Data and Document Retention Policy.

On no account will any job offer be made during or at the end of an assessment. This is to ensure a fair and transparent recruitment process.

Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

LPW will consider any possible indirectly discriminatory effect of its standard working practices. When considering requests for variations to these standard working practices and will refuse such requests only if LPW considers it has good reasons, unrelated to any protected characteristic, for doing so. LPW will comply with its obligations in relation to statutory requests for contract variations.

LPW will not discriminate unlawfully against service users using or seeking to use goods, facilities or services provided.

Workers should immediately report any bullying or harassment by service users, suppliers, visitors or others to their Line Manager who will take appropriate action.

5. Public Sector Equality Duty

LPW observes and practices the principles of the Public Sector Equality Duty. This means that LPW will have the due regard to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and;
- foster good relations between people who share a protected characteristic and people who do not share it.

6. Training

LPW will provide annual training in equal opportunities to its Workers. LPW will provide learning and development opportunities to all workers and others engaged to work at LPW to help them understand their rights and responsibilities and what they can do to help create a working environment free of discriminatory behaviour. Volunteers will be able to access equal opportunities training.

7. Bullying and Harassment

LPW has a separate bullying and harassment policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

8. Grievances and Complaints

If workers feel that they have been unlawfully discriminated against, they may use the Grievance procedure to make a complaint.

LPW takes grievances seriously and will investigate matters to seek satisfactory resolutions. Workers will not be penalised for raising a grievance (even if their grievance is not upheld), unless their complaint is knowingly untrue and made in bad faith.

If job applicants feel they have been discriminated against they can use the External Complaints Policy.

9. Monitoring and Review

This policy will be monitored annually by the board of LPW to judge its effectiveness and will be updated in accordance with changes in the law. An annual action plan will be in place.

LPW will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs, including promotion, and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the organisation will implement them. Workers will have the right not to disclose this information to LPW if they feel uncomfortable doing so.

Information provided by job applicants and workers for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the relevant Data Protection legislation.

10. Variation

This policy may be varied, withdrawn or replaced at any time by LPW at its absolute discretion.