

Guidance for Equality & Diversity in Employment

1. Introduction

- 1.1 The guidance covers equality in employment and is based on the principle that people with protected characteristics should not be discriminated against in employment, when seeking employment, or when engaged in activities related to work. This document has been developed to meet their obligations under the Equality Act 2010, and other relevant legislation, in relation to employment; and to demonstrate their commitment to equality and diversity.
- 1.2 The guidance is based on the knowledge that discrimination exists within today's society and that discrimination prevents people from realising their full potential in the workplace. No one should suffer discrimination at work. This aims to progress the equality agenda with a view to delivering outstanding services. It is recognised that this requires a proactive approach to mainstream equality into all policies, procedures, decisions and activities.

2. Scope

- 2.1 The guidance applies in relation to all employees in GLP, whether they are employed on full-time or part-time contracts or on a permanent or fixed-term basis. Commitments to equality of opportunity also extend to potential future employees who apply to work in GLP.
- 2.2 Although this guidance refers to employees throughout, GLP should be aware of their wider responsibilities to provide a dignified and positive working environment, free from discrimination, for all who work on GLP premises and in all activities undertaken during their employment.
- 2.3 It should be noted that individuals are personally accountable for their behaviour and may be held liable for acts of discrimination. All individuals who work on GLP premises, including consultants, are therefore expected to support GLP's commitment to equality.

3. Our Commitment

- 3.1 GLP encourages, celebrates and values the diversity of the workforce and is committed to the equality of treatment for all employees. Engaging employees from a variety of backgrounds at all levels of responsibility and across all areas of work will provide positive role models for learners and staff who identify with a protected characteristic.

- 3.2 GLP will seek not only to eliminate discrimination, but also to provide a positive working environment free from discrimination, harassment and victimisation, where all employees are treated with respect and dignity.
- 3.3 The aim is to create a positive and inclusive ethos where issues of discrimination and stereotyping can be discussed openly; with a shared commitment to challenging and preventing discrimination (whether overt or covert), to respecting diversity and difference, and to encourage good relations between different groups.
- 3.4 Discriminatory behaviour against employees will not be tolerated, whether that behaviour comes from other employees, learners or third parties, such as employers, or contractors.

4. Review and Consultation

GLP should review their equality policies on a regular basis in accordance with legislative developments and the need for good practice.

5 Protected characteristics

This guidance covers all the protected characteristics contained in the Equality Act, namely:

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

Each protected characteristic is defined below.

- 5.1 **Age:** A reference in the act to a person who has the protected characteristic of age is a reference to a person of a particular age group or a person who shares a particular age group. An 'age group' is a group of persons defined by reference to age, whether to a particular age or a range of ages. GLP must not discriminate against any employee because of their age or to the age group they belong to.
- 5.2 **Disability:** A person is defined as disabled under the act if they have a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments. Non-disabled employees who are (wrongly) perceived to be disabled will also be protected from direct disability discrimination and

harassment (see Section 6).

- 5.3 **Gender reassignment:** References to transsexual people under the act covers employees who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex, i.e. gender reassignment. There is no requirement that the process of gender reassignment includes medical supervision. It is recognised that there may be differences between physical sex and gender identity.
- 5.5 **Marriage and civil partnership:** GLP must not discriminate against any employees because they are married or are in a civil partnership. Marriage will cover any formal union of a man and woman which is legally recognised in the UK as a marriage. A civil partnership refers to a registered civil partnership of a same sex couple under the Civil Partnership Act 2004, including those registered outside the UK. Only people who are married or in a civil partnership are protected against discrimination on this ground.
- 5.6 **Pregnancy and maternity:** GLP must not treat a woman unfavourably because of her pregnancy or related illness, or because she is on maternity leave or seeking to take maternity leave. GLP must also not discriminate against an employee because of their association with a woman who is pregnant or who has recently given birth (see Section 6).
- 5.7 **Race:** GLP must not discriminate against any employee because of their colour, nationality or ethnic or national origins.
- 5.8 **Religion or belief:** GLP must not discriminate against any employee because of their religion or philosophical belief, or because of their lack of religion or belief. Ultimately it will be up to the Courts and Tribunals to decide which beliefs are covered by the legislation; however, the EHRC provides guidance on the definition of a “philosophical belief” as being:
- genuinely held;
 - a belief and not an opinion or viewpoint based on the present state of information available;
 - it must be a belief as to a weighty and substantial aspect of human life and behaviour;
 - it must attain a certain level of cogency, seriousness, cohesion and importance;
 - it must be worthy of respect in a democratic society, not incompatible with human dignity and not conflict with the fundamental rights of others.
- 5.9 **Sex:** GLP must not discriminate against any employee because of their sex.
- 5.10 **Sexual orientation:** Employees must not be discriminated against because of their sexual orientation, whether that be towards:
- people of the same sex (i.e. the employee is a gay man or a lesbian);
 - people of the opposite sex (i.e. the employee is heterosexual);
 - people of both sexes (i.e. the employee is bisexual).

6. Types of discrimination

- 6.1 Discrimination occurs when a person (or group) is treated less favourably than others. It can take different forms and this section describes the different types of discrimination, or 'prohibited conduct', under the act.
- 6.2 **Direct discrimination:** is less favourable treatment because of a protected characteristic. Direct discrimination occurs if a person has the characteristic, is perceived to have the characteristic (see 6.6) or because they associate with someone who has a protected characteristic (see 6.5). Direct discrimination in relation to age can be objectively justified.
- 6.3 **Indirect discrimination:** may occur when an apparently neutral provision, criterion or practice is applied to everyone, but which puts employees who share a protected characteristic at a particular disadvantage; and this cannot be justified as a proportionate means of achieving a legitimate aim.
- 6.4 **Discrimination arising from disability:** is where a disabled employee is treated unfavourably not because of their disability itself but because of something arising from, or in consequence of it, and that treatment cannot be justified as a proportionate means of achieving a legitimate aim.
- 6.5 **Discrimination by association:** is direct discrimination because of an employee's association with a person who has a protected characteristic (not including marital or civil partnership status). This applies regardless of whether the employee has the protected characteristic personally.
- 6.6 **Discrimination by perception:** is direct discrimination against an employee because they are mistakenly believed to have a protected characteristic (not including marital or civil partnership status).
- 6.7 **Harassment:** is unwanted conduct relating to a protected characteristic, which has the effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee.
- 6.8 **Victimisation:** occurs when an employee is treated less favourably because they have, in good faith, done a protected act (e.g. made or supported a complaint, or raised a grievance) regarding a protected characteristic.
- 6.9 **Reasonable adjustments:** are those adjustments made to remove barriers preventing people from integrating into the workplace. The duty to provide reasonable adjustments is a positive duty to remove any barriers or provide extra support to disabled employees in the workplace and for applicants during the recruitment process. Failure to make that adjustment may amount to discrimination.
- 6.10 **Objective Justification:** is the process by which an employer may be able to objectively justify discrimination as being a proportionate means of achieving a legitimate aim. If

challenged it is for the employer to justify the provision, criterion or practice so evidence should be produced to support any assertion that the discrimination is justified. Considerations should be made for justification on the merits of each individual case.

The question of whether the provision, criterion or practice is a proportionate means of achieving a legitimate aim should be approached in two stages:

- Is the aim of the provision, criterion or practice legal and non-discriminatory, and one that represents a real, objective consideration?
- If the aim is legitimate, is the means of achieving it proportionate – that is appropriate and necessary in all circumstances?

7. Equality Monitoring and Analysis

- 7.1 In accordance with the equality duty GLP will gather and analyse information on an annual basis about how its policies, procedures and practices are affecting employees with different protected characteristics.
- 7.2 This process is used to inform the setting of objectives for the equality duty (as described in Section 4) and the measurement of progress towards achieving the duty. Analysing the impact of GLP's policies and practices, and the extent to which they promote equality of opportunity between employees with different protected characteristics, will help identify the key equality considerations and priorities for GLP. To this end, GLP will gather and analyse appropriate information and use it to assess the impact of relevant GLP activities on employees who share different protected characteristics. The purpose of this assessment is both to ensure that no employee is disadvantaged because of a protected characteristic, and to identify where equality of opportunity can be promoted actively. The process will also help identify any risk of discrimination occurring in the exercise of GLP's functions, and enable steps to be taken to remedy this.
- 7.3 GLP should develop an equality profile of their employees at different grades/levels throughout the organisation, to aid understanding of the workforce and the key equality issues. GLP should also consider what additional information would be helpful to meet the duty, such as:
 - Job application and selection success rates by protected characteristic
 - Type of contract (permanent, fixed-term, part-time)
 - Training and development
 - Promotion
 - Pay levels and any equal pay audits
 - Grievances, including complaints of harassment or discrimination
 - Disciplinary and capability proceedings
 - Leavers and redundancies
 - Information from exit interviews
 - Results of employee satisfaction surveys
 - Rates of return from maternity leave

- Rates of requests for flexible working
 - Language and images used in internal and external communications
 - Data on adjustment solutions, such as for a disability
- 7.4 If staff monitoring shows that there is an under-representation of employees with a protected characteristic at any level within GLP, they should take action by reviewing their recruitment, promotion and training practices to ensure they are free of bias and contain no barriers.
- 7.5 GLP must engage with people considered to have an interest in furthering the aims of the equality duty when undertaking this analysis. This should include engagement with employees with different protected characteristics, recognised trade union representatives and relevant stakeholders.
- 7.6 Equality information collated about employees will be anonymised and treated in confidence. However, GLP recognises that some employees who share a relevant protected characteristic may still be unwilling to identify themselves as such, due to concerns of privacy. For some protected groups, equality monitoring is not common place, or it raises particular issues that need to be considered. GLP should consider carefully the information they intend to monitor, taking into account the guidance provided by the EHRC and other relevant organisations.
- 7.7 GLP will not place any obligation on employees to answer monitoring questions; however, employees will be informed about the reasons for gathering the information, the importance of it for the purposes of tackling discrimination and promoting equality of opportunity, and how the results will be used and who will see it. No information will be published that will enable an individual employee to be identified.

8. Ensuring equality

- 8.1 GLP environment, in terms of its pictures, images, publicity materials, literature, use of language etc., should aim to present images that promote diversity, including positive images of people with protected characteristics.
- 8.2 Promoting equality of opportunity may create tensions between people who identify with different protected characteristics, for example tensions between religious belief and sexual orientation. However, the holding of certain beliefs, such as religious beliefs which regard homosexuality as a sin, will not be a justification for non-observance of GLPs' equality duties.
- 8.3 Whilst GLP must respect the rights of individuals to hold belief systems, the right does not extend to enforcing their beliefs on others.
- 8.4 GLP should not make assumptions about employees or their personal lives, for example assumptions should not be made that partners of employees will be of the opposite sex; or that female employees of childbearing age will not be suitable for

promotion opportunities.

- 8.5 GLP should welcome and facilitate staff equality groups.
- 8.6 Requests for specific needs relating to a protected characteristic should be considered carefully. Examples may include requests for disability leave or time off to participate in religious observance.

9. Dignity at work

- 9.1 GLP endeavours to create a work environment in which everyone is treated with dignity and respect, where all employees, whatever their protected characteristic, feel valued and welcomed, and where discriminatory behaviour is not tolerated. The aim is to work towards eliminating prejudice and discrimination and encourage change in individual behaviour to foster good relations between all.
- 9.2 Abuse, harassment or bullying (e.g. name-calling, derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) because of someone's protected characteristic are unacceptable. Harassment is viewed as a serious disciplinary offence, that will result in disciplinary action, which may lead to dismissal; or in the event an employee is harassed by a learner, the expulsion of that learner.
- 9.3 Propaganda or derogatory messages against any of the protected characteristics, in the forms of written materials, graffiti, music, emails, text messages, social networking websites or speeches, must not be tolerated. GLP undertakes to immediately remove any such propaganda whenever it appears on the premises and disciplinary action may be taken against the perpetrators.
- 9.4 It is important to recognise that a protected characteristic may not be obvious or visible and as such assumptions should not be made about individuals. GLP should provide a supportive environment for employees who wish it to be known that they identify with a protected characteristic. However, it is the right of the individuals to choose whether they wish to be open about this in GLP. For example, to 'out' someone in relation to a protected characteristic (e.g. telling others that someone is lesbian, gay or bisexual, or that someone has a mental illness) whether staff or learner, without their permission is a form of harassment, and should be treated as such.
- 9.5 GLP should also refer to the guidance on anti-bullying and harassment, which provides good practice guidance on handling employees' complaints of harassment.
- 9.6 If an employee reports an allegation of harassment by a third party, GLP must investigate the allegation and take action where the allegation is upheld.
- 9.7 GLP should make third parties aware that they will not tolerate harassment of their staff. This includes acts of harassment by contractors, visitors, learners and employers.
- 9.8 GLP should accept that there may be conflicts that may need to be managed between

people with different protected characteristics (e.g. sexual orientation and religion) and should take steps to foster good relations between people who share different protected characteristics and people who do not share them, to enable employees to work in a neutral and safe environment. Establishing employee's responsibilities and expected behaviours with regards to equality and dignity at work from an early stage can support a healthier working relationship.

10. Recruitment and Selection

- 10.1 GLP undertakes to ensure that there is no discrimination because of a protected characteristic in the way it recruits and selects staff. These principles apply to promotion as well as initial appointments.
- 10.2 In order to encourage a diverse range of candidates to seek information about vacancies, all recruitment and publicity materials should present jobs without bias towards particular groups (such as people of a particular gender or age range). Careful consideration should therefore be given to appropriate use of language to avoid deterring applicants because of a protected characteristic.
- 10.3 Job descriptions and person specifications should be drafted to ensure they accurately describe the job and do not exclude people because of a protected characteristic. Job titles will be unbiased towards protected characteristics. All selection criteria should be relevant, job-related and not unnecessarily prescriptive about essential requirements.
- 10.4 Advertisements and recruitment materials (such as applications forms, information packs etc) should state explicitly GLP's commitment to equality. Materials must be provided in accessible formats to meet the needs of any disabled applicants. Employees who are absent from work (such as employees on maternity leave) should be informed of vacancies.
- 10.5 All members of short-listing and interview panels, and all those involved in other selection processes, should be trained in equality principles.
- 10.6 Interviews need to be fully inclusive and reasonable adjustments must be made to allow disabled candidates to attend and participate in the interview without being placed at a disadvantage.
- 10.7 Job applicants must not be asked any questions about their health or disability at any stage prior to any job offer being made, except in the following specific circumstances:
 - for the purposes of making reasonable adjustments to recruitment arrangements;
 - for the purposes of monitoring the diversity of applicants;
 - in order to implement positive action measures (see Section 13);
 - to demonstrate an occupational requirement where having an impairment is a genuine occupational requirement for the job; or
 - where such questions are otherwise permitted by a relevant exception in the Equality

Act 2010.

If a disabled candidate is considered suitable for appointment GLP must make reasonable adjustments to allow that candidate to do their job.

10.8 As part of its commitment to the equality duty GLP will take steps to minimise disadvantage, meet specific needs and encourage people who share a relevant protected characteristic to participate in the recruitment process. For example GLP should ensure that:

- Certain personal information (such as date of birth, gender, ethnic origin, disability etc) is only to be used for monitoring purposes and not on the main form.
- All applicants for a vacant post who indicate on a separate form with the application form that they are disabled, and who meet the essential criteria in the person specification, are guaranteed an interview. This commitment should be stated in the advertisement.
- Every effort is made to redress any under-representation of persons who share a relevant protected characteristic by positive action. For example, if people who share a relevant protected characteristic are significantly under-represented in GLP, consideration is given to placing recruitment advertisements in appropriate publications.
- They analyse the effect its recruitment policies and practices have, or could have, on people who share a relevant protected characteristic.

11. Training and Career Development

11.1 All employees must be afforded equal access to training, promotion and other aspects of career development. Training and promotion opportunities should not be denied on the basis of a protected characteristic; and assumptions should not be made on the basis of an employee's protected characteristic about their ability or willingness to participate in training or be considered for promotion.

11.2 To ensure that training and development opportunities are accessible to all, consideration should be given to how training may be offered flexibly by making reasonable adjustments to training arrangements, including venues, training materials or providing additional equipment.

11.3 A barrier to promoting equality and fostering good relations may be a lack of understanding among employees about the barriers and needs of those with protected characteristics. GLP should therefore provide equality training to all staff, which includes examination of appropriate use of language. Such training should also have due regard to the need to prevent harassment and bullying and break down stereotypes associated with protected characteristics.

11.4 As part of its commitment to the equality duty, GLP will take steps to minimise disadvantage, meet specific needs and encourage people who share a relevant protected characteristic to participate in training and career development

opportunities. For example GLP should:

- Monitor and analyse the effect that training and career development policies, practices and activities have, or could have on people who share a relevant protected characteristic.
- Analyse information to assess whether there may be any discrimination or adverse impact on people who share a relevant protected characteristic in terms of recruitment into senior positions and in promotion opportunities.
- Recognise that stereotypes can be harmful to employees who may feel constrained to behave in ways, and work in areas traditionally considered appropriate for their particular gender, age or racial group, for example. These constraints can lead to occupational segregation between roles, which limit career development opportunities being available to all. Encouragement and support should be given to employees who try to step outside the constraints of stereotypes in any area of GLP's work.
- Consider how positive action can be taken to promote equality of opportunity, remove the constraints of stereotypes, and address any under-representation of persons who share a relevant protected characteristic in GLP's training and development activities and in the organisation structure. For example, if people of ethnic minority are significantly under-represented in management posts, this may be addressed through coaching and mentoring initiatives.

12. Termination

- 12.1 GLP undertakes to ensure that there is no discrimination because of a protected characteristic in relation to the dismissal of staff.
- 12.2 Should a redundancy situation occur, protected characteristics must not be a factor in the selection of those to be made redundant. For example, absence for a reason related to a protected characteristic, such as pregnancy-related sickness absence or disability-related sickness absence must not be used as selection criteria for redundancy.
- 12.3 References provided to employees who are leaving, or who have left, should not be influenced in any way by a protected characteristic that the departing employee may have.
- 12.4 Part of the commitment to the equality duty, GLP must analyse the effect, or potential effect, of any business plan or proposal that may result in dismissal (such as redundancies) on equality and diversity. This will include consideration of how the proposal has or could have an effect on people who share a relevant protected characteristic, including employees, learners and service users.

13. Positive Action

- 13.1 Positive action aims to enable existing or potential new employees to overcome or minimise disadvantages arising from a protected characteristic, reduce their under-

representation in the workforce, and meet their particular needs.

13.2 Positive action measures are permitted where there is evidence of disadvantage, different needs or disproportionately low participation in relation to a protected characteristic, such as may be reported as a result of the equality analysis described in Section 7 above.

13.3 Positive action, allows GLP to:

- target training at particular groups that are under-represented in a particular area of work;
- encourage applications from groups that are under-represented through targeted advertising; or
- provide support and mentoring to meet particular needs, such as to support an employee who has undergone gender reassignment.

13.4 Positive action strategies are intended to be temporary measures only. They must be kept under regular review, and they cannot be used once the disadvantage is removed, the particular needs have been met, or if underrepresentation no longer exists.

14. Responsibilities

14.1 Management

The Chief Executive Officer, Senior Management Team and all managers are responsible for ensuring that:

- They take the lead in creating and positive, inclusive ethos that challenges discriminatory behaviour in all forms on the part of managers, staff or learners.
- Consideration of equality and good relations is integrated into all aspects of GLP policy and activity.
- Equality information is collected and analysed.
- The staff induction programme reflects GLP's commitment to promote equality of opportunity.
- Appropriate training and development are provided to all staff to support the appreciation and understanding of diversity.
- Appropriate policies and procedures are in place to deal with complaints of alleged discrimination, harassment or victimisation; and that such complaints are taken seriously and investigated promptly and sensitively in accordance with those procedures.

14.2 Staff

All staff are responsible for ensuring that:

- They are aware of GLP's policies and procedures for equality and participate in related

training activities.

- All staff who teach are responsible for their schemes of work, lesson content and teaching resources demonstrate awareness of issues of diversity.
- They challenge (or where appropriate should report) prejudice and discriminatory behaviour, whether intentional or unintentional, by students, work placement providers, contractors or other members of staff.
- They respond positively to the particular needs of individuals with a protected characteristic who they come in contact with during the course of their work.

15. Legal duties

15.1 GLP undertakes to fulfill the legal duties placed upon it by the Equality Act 2010 (“the Act”) and the Employment Statutory Code of Practice in connection with the act.

15.2 GLP should be aware of the range of other legislative provisions that relate to equality in employment, including:

- Section 12 of the Employment Act 1989, which exempts male Sikhs from wearing protective headgear in certain circumstances
- Pensions Act 1995
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Gender Recognition Act 2004
- Civil Partnership Act 2004
- Crime and Security Act 2001, which created an offence of religiously aggravated harassment.

16. Helpful Organisations

- ACAS Helpline: 08457 47 47 47 (Monday - Friday: 08.00 - 20.00 and Saturdays: 09.00 - 13.00); www.acas.co.uk Citizens Advice Bureaux
- Trade Union
- Legal advisers
- Equality and Human Rights Commission (EHRC): www.equalityhumanrights.com