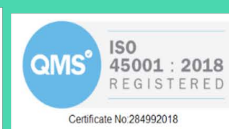


---

# Equal Opportunities and Diversity Policy

---

2015





## Contents

EQUALITY & DIVERSITY POLICY .....	3
1. POLICY STATEMENT - PRINCIPAL LEGISLATION RELATING TO THIS POLICY .....	3
2. TYPES OF UNLAWFUL DISCRIMINATION .....	3
3. EQUAL OPPORTUNITIES IN EMPLOYMENT AND TRAINING .....	4
4. DIGNITY AT WORK .....	4
5. RESONSIBILITIES .....	5
6. GRIEVANCES .....	5
7. MONITORING AND REVIEW .....	5
Informal Approach Flowchart .....	6
Formal Grievance Procedure Flowchart Stage 1 Raising Formal Grievance.....	7
Formal Grievance Procedure Flowchart .....	8
Stage 2 Appeals Procedure against a decision at stage one .....	8
CRIMINAL RECORD DISCLOSURE POLICY .....	9
1. GENERAL PRINCIPLES .....	9
2. STORAGE AND ACCESS.....	9
3. HANDLING .....	9
4. USAGE .....	9
5. RETENTION .....	9
6. DISPOSAL .....	9

# EQUALITY & DIVERSITY POLICY

## 1. POLICY STATEMENT - PRINCIPAL LEGISLATION RELATING TO THIS POLICY

Disability Discrimination Act 1995 Disability Discrimination Act 2005

Race Relations (Amendment) Act 2000

Race Relations Act 1976 Sex Discrimination Act 1975

Civil Partnership Act 2004

Equality Act 2005

Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005

Disability Discrimination Act 1995 (Amendment) Regulations 2003

Employment Equality (Religion or Belief) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Age) Regulations 2006

Race Relations Act 1976 (Amendment) Regulations 2003

Race Relations Act 1976 (Statutory Duties) Order 2001

Employment Equal Treatment Framework Directive 2000

Equal Treatment Directive 2006.

TFM is committed to providing equality of opportunity and eliminating unlawful discrimination in employment and training.

It is unlawful to discriminate in recruitment, employment, provision of goods facilities or services on grounds of sex (which includes gender reassignment), pregnancy, religion or belief, sexual orientation, colour, race, nationality, or ethnic or national origins. It is unlawful to discriminate, without justification, on grounds of disability or to fail to make reasonable adjustments to overcome barriers to using services caused by disability.

The duty to make reasonable adjustments includes 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.

This policy is intended to assist the Company to put this commitment into practice and applies to employees, learners, work placement providers, individuals who apply for work with TFM and those who work on TFM premises i.e. contractors, supply staff and visitors.

## 2. TYPES OF UNLAWFUL DISCRIMINATION

**Direct Discrimination** is where a person is treated less favourably than another in comparable circumstances on a prohibited ground. An example of direct sex discrimination would be refusing to employ a person because she was pregnant.

**Indirect Discrimination** is where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group to which the individual belongs than to others, which is not objectively justified, and which is to the individual's detriment. An example of indirect sex discrimination could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full-time basis, since requiring everyone to work full time will normally adversely affect a higher proportion of women than men.

**Harassment** is where there is unwanted conduct related to one of the prohibited grounds which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonable considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

**Failure to make reasonable adjustments** is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage

**Victimisation** is where someone is treated less favourably than others because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

### **3. EQUAL OPPORTUNITIES IN EMPLOYMENT AND TRAINING**

The Company will avoid unlawful discrimination in all aspects of employment and training including recruitment, training and development, promotion and discipline.

#### **3.1 Recruitment and Selection**

Wherever possible, all opportunities will be advertised simultaneously internally and externally and will include an appropriate short statement on equality of opportunity.

Selection criteria (job description and person specification) will be kept under constant review to ensure that they are justifiable and non-discriminatory.

Wherever practicable, more than one person will be involved in the short listing and interviewing process.

All staff including those responsible for co-ordinating placements for learners will receive adequate training and guidance on equality and diversity and will ensure that employers and work placement providers associated to TFM acknowledge and comply with the provisions of this policy.

Reasons for selection and rejection of applicants or learners for vacancies or placements will be recorded and monitored.

#### **3.1 Training and Development**

All staff and learners will have access to appropriate training and development to allow them to successfully carry out their roles or qualifications. Each training and developmental need will be treated on its individual merits and in accordance with the needs of the business.

A flexible approach to training may be required in certain circumstances i.e. where training is residential or requires time away from home. This may disadvantage part-time employees or those with care responsibilities and stop them taking advantage of any training opportunities, in which case additional or alternative provisions will be considered.

All new staff and learners will have an equal opportunities induction or equivalent to cover the Company's responsibilities to them as well as theirs to the Company.

Relevant policies and practices regarding selection for training and personal development are regularly reviewed to ensure that fairness and equality prevail.

#### **3.2 Promotion**

Promotion for staff will only take place as a result of objective assessment, which will be based on the specific abilities, skills and knowledge required for the post.

Equal access to promotion will be exercised and promotion opportunities will be advertised on the basis that they are accessible to all staff including those that work full time, part time, from home and those that are field based.

There may be situations where some specialised posts are only suitable for people with particular skills, but consideration must still be given to all staff and a fair selection process adopted as some staff may have skills of which the Company are unaware.

#### **3.3 Discipline**

TFM will ensure that members of staff involved in the disciplinary process are trained appropriately so that they may undertake these duties by objective and justifiable means and in adherence with the relevant procedures.

In addition to the above, any member of staff or learner breaching the Company's Equality and Diversity policy will be regarded as behaving in a manner that constitutes an act of misconduct and will be dealt with through the appropriate disciplinary procedure.

### **4. DIGNITY AT WORK**

The Company has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

## **5. RESONSIBILITIES**

Every employee is required to assist the Company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or learners and disciplinary offences and will be dealt with under the Company's disciplinary procedure.

## **6. GRIEVANCES**

If you consider that you may have been unlawfully discriminated against, you may use the Company's Grievance Procedure to make a complaint. If your complaint involves bullying or harassment, please refer to the Company's Dignity at Work Policy

The Company will take any complaint seriously and will seek to resolve any grievance which it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

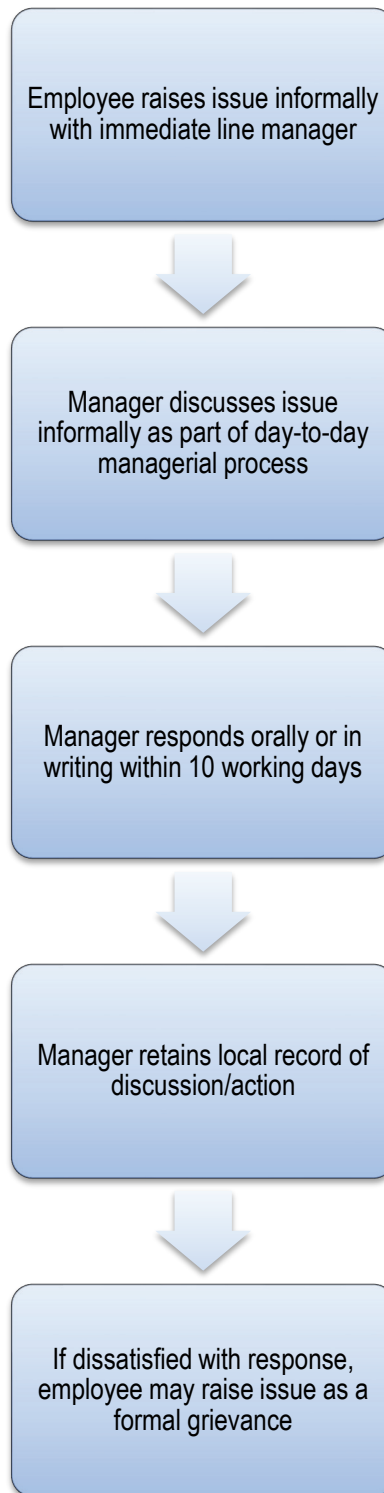
## **7. MONITORING AND REVIEW**

This policy will be monitored annually by the Company to review its effectiveness and will be updated in accordance with changes in the law. In particular, the Company 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 this policy in accordance with the results shown by the monitoring.

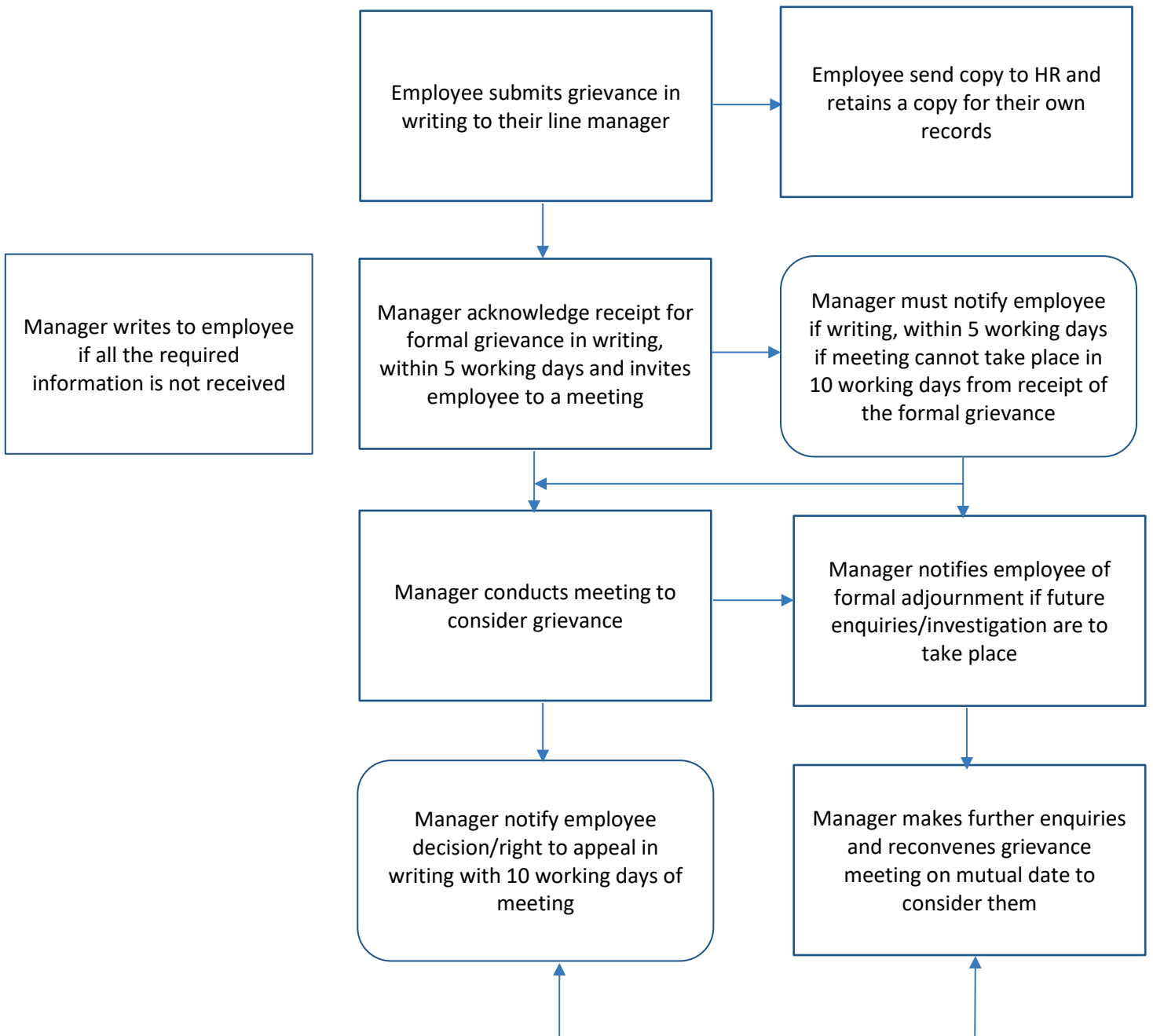
If changes are required, the Company will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

## Informal Approach Flowchart



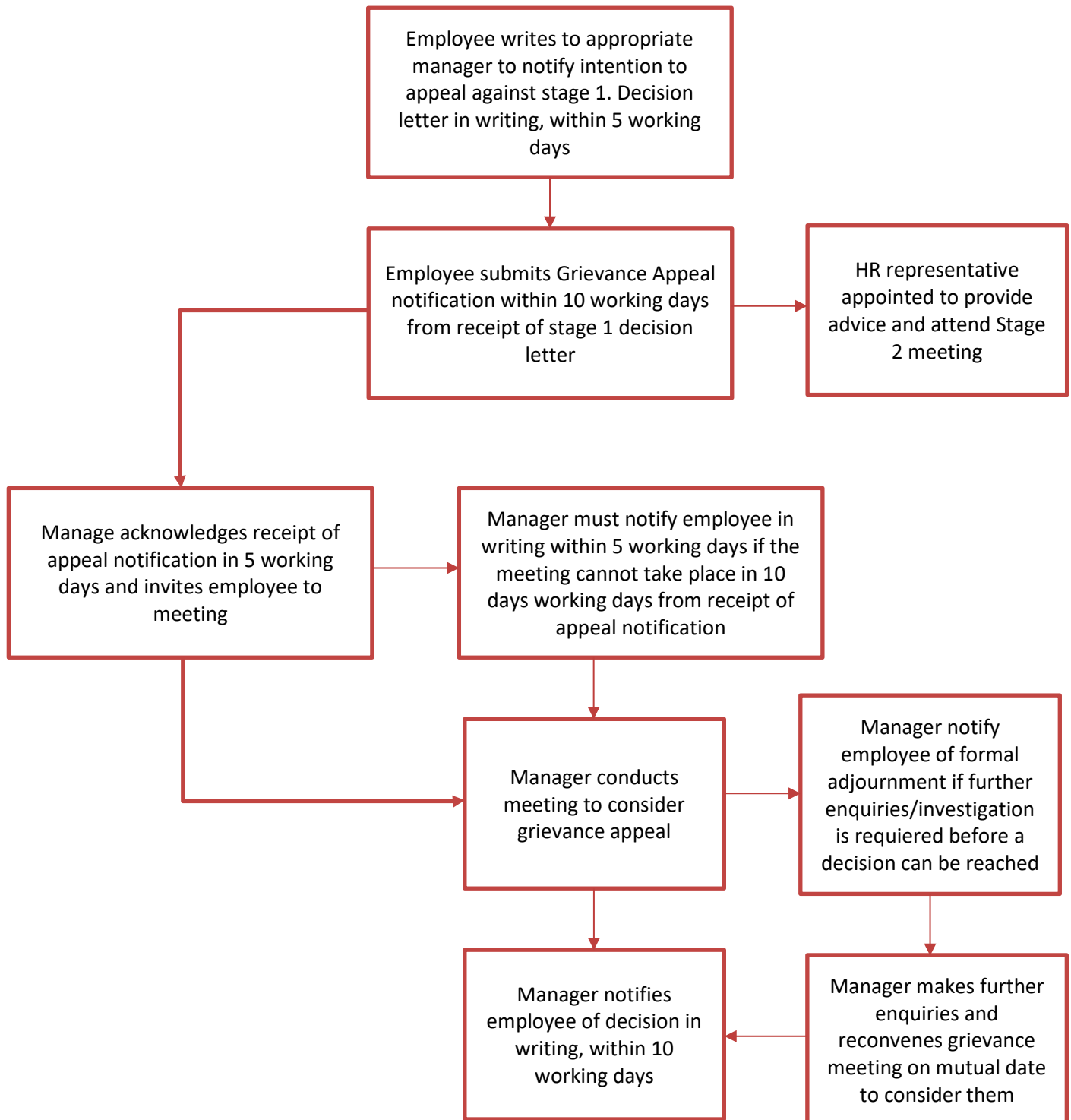
## Formal Grievance Procedure Flowchart Stage 1 Raising Formal Grievance





# Formal Grievance Procedure Flowchart

## Stage 2 Appeals Procedure against a decision at stage one



# CRIMINAL RECORD DISCLOSURE POLICY

## 1. GENERAL PRINCIPLES

Think FM is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, on all our learning programmes. As such checks will be made on all new staff that will work with or come into contact with children, young people and vulnerable adults through a role in the Company.

TFM uses both the Criminal Records Bureau (CRB) and Disclosure Scotland to make checks to help assess the suitability of applicants for positions of trust. This will ensure that we comply with LSC and other funding body contractual requirements, the Protection of Children Act 1999 and the Protection of Vulnerable Adults Act.

TFM abides by the CRB and Disclosure Scotland Codes of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

## 2. STORAGE AND ACCESS

A central record of checks carried out will be kept by the HR department. Disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

## 3. HANDLING

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties.

We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## 4. USAGE

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## 5. RETENTION

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. The maximum period of retention is six months, to allow for the consideration and resolution of any disputes or complaints.

If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the relevant Disclosure Service about this and will give full consideration to the data protection and human rights of the individual before doing so.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## 6. DISPOSAL

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in a secure place as identified above.

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

We will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.