



MERCIA PARTNERSHIP

Equality and Diversity Policy

General Statement

Mercia Partnership is committed to developing, maintaining and supporting a culture of equality and diversity in employment in which staff are treated equitably, and where they can realise their potential whatever their age, race, colour, nationality, ethnic origin, creed, disability, sexual orientation, sex, gender identity, marital or civil partnership status, parental status, religion, belief or non-belief, social or economic class, employment status, or any other criteria that cannot be shown to be properly justifiable. Similarly, Mercia Partnership is committed to developing, maintaining and supporting a culture of equality and diversity in service and learning provision in which learners feel free from harassment and bullying of any description, or any other form of unwanted behaviour, and are also treated equitably and can realise their potential.

Equality of opportunity and inclusivity is fundamental to the vision and values of Mercia Partnership. The principles of equality and diversity are at the very heart of every operational aspect from recruitment and selection through to teaching and learning, and are supported by appropriate policies, procedures and good practice. Mercia Partnership will not tolerate any form of unlawful discrimination, bullying, harassment or victimisation and aims to promote a culture in which staff and learners feel supported and encouraged to challenge discriminatory and/or unacceptable behaviour at all levels.

Scope

This policy applies to all Mercia Partnership, offices, operations, activities and services, without exception, and to all Mercia Partnership employees at all levels of the organisational structure. The Aims of this policy will equally apply to all Mercia Partnership operations and activities conducted on sites beyond Mercia Partnership control wherever its employees are designated to perform their contractual duties.

Aims

1. **1.1** It is the aim of Mercia Partnership and this policy to ensure that, throughout their employment, all employees of the company are treated fairly and with dignity and respect. This policy interfaces with all relevant Recruitment Procedures with respect to job applicants, and Mercia Partnership will make best endeavours to ensure that policies, procedures and practices always comply with current legislative requirements.
2. **1.2** It is also the aim of Mercia Partnership and this policy to ensure that, throughout their learning journey, all learners on every Mercia Partnership learning programme are treated fairly and with dignity and respect and are provided with an equality of opportunity to achieve.

Equality is not about treating everyone the same, it is about ensuring that access to opportunities is available to all by taking account of differing needs and capabilities. Diversity is about recognising and valuing differences through inclusion, regardless of age, disability, gender, racial origin, religion, belief, sexual orientation, perspectives, opinions and personal values.

Definitions

The Equality Act 2010 makes it unlawful for employers to discriminate on the grounds of race, religion or belief, disability, gender or gender reassignment, age, sexual orientation, marriage or civil partnership, pregnancy or maternity; all of which are referred to as individuals or groups with 'protected characteristics'. Mercia Partnership and this policy aims to protect all employees and all individuals who use Mercia Partnership services, such as learners, in relation to the following aspects.

1.3 Discrimination: The Equality Act (2010) expands upon previous definitions of Discrimination and circumstances in which this may arise as follows:

- a) **Direct discrimination:** Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
- b) **Discrimination by association:** This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- c) **Perception 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.
- d) **Indirect discrimination:** Indirect discrimination can occur when a condition, rule, policy or practice is applied equally to all staff or learners, but particularly disadvantages people who share a protected characteristic

Harassment: The Equality Act (2010) defines harassment as *"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"*. It expands upon previous definitions of harassment and circumstances in which this may arise as follows:

- a) **'Harassment'**. The expanded definition above enables staff or learners 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.
- b) **'Third Party Harassment'**. The Equality Act makes Mercia Partnership potentially liable for harassment of its staff or learners by people (third parties) who are not other employees, such as learners, contractors, visitors, etc. This could arise when harassment has occurred and Mercia Partnership has been made fully aware of this on previous occasions, but reasonable steps have not been taken to prevent it from happening again.
- c) **'Victimisation'**. Victimisation occurs when an employee or learner is treated unfairly or unreasonably 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 or learner is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Age: The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified i.e. if it can be demonstrated that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability: The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

As before, the Act puts a duty on an employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a rule or requirement that an employer has in place disadvantages people with the same disability. Unless this could be justified, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

Gender reassignment: The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and Civil Partnership: The Act protects individuals who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and Maternity: A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. An employer must not consider an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

Race: For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.

Religion and Belief: In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Gender: Both men and women are protected under the Act.

Sexual orientation: The Act protects bisexual, gay, heterosexual and lesbian people.

Complaints

All complaints of discrimination will be treated seriously and dealt with promptly, efficiently and where possible in confidence. The aim of the procedure is to resolve complaints of discrimination. Any employee or learner may use this procedure if they believe they have:

- Been treated unfavourably in contravention of the equal opportunities policy on the grounds of sex, pregnancy, trans-gender status, sexual orientation, marital, civil partnership or family status, race, religion, belief, political opinion, age or disability. Witnessed discrimination.

Any employee or learner who believes they have been the victim of discriminatory treatment, or who has witnessed discrimination or harassment, may choose to take informal or formal action.

Informal action: Where possible the employee or learner should talk directly and informally to the person; they believe has discriminated against them and explain their objection to their actions or conduct. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable.

If the learner feels unable to approach the person or if they have already done so without any resolution, they may elect to raise a formal complaint with the Managing Director.

Alternatively, the complaint can be raised informally with the Head of Operations & Quality who will try to assist the employee or learner to find an appropriate solution to the problem and give sign posting to pastoral care.

Formal action: The employee or learner may raise the complaint in writing for the attention of the **Managing Director at 10 Vicarage PI, Prescot L34 1LA**. The complainant must identify the person who is alleged to have perpetrated discriminatory treatment and give specific examples of actions or conduct that the learner believes constitutes discrimination. In the event of serious allegations, it may be necessary to consider whether to suspend the alleged perpetrator to prevent any further contact between parties until the matter could be fully dealt with.

An investigation will be conducted and will be handled with due respect to the rights of the complainant and alleged perpetrator. Both parties will be interviewed separately where they will be provided with the opportunity to state their side of events and explain any conduct that forms the basis of the employee's or learner's complaint against them

If following the investigation, the complaint is founded, prompt action will be taken to remedy the discrimination and prevent any recurrence.

The organisation regards all forms of discrimination as gross misconduct (except unintentional behaviour of a mild nature) and any employee or learner found guilty of this behaviour will be liable to disciplinary action up to and including summary dismissal. Disciplinary action will also be taken against any learner or employee who is found to have made a deliberately false or malicious complaint of discrimination.

Responsibilities

Overall responsibility for implementation and overseeing this Policy rests with the Mercia Partnership Directors. The Managing Director is responsible for ensuring that Mercia Partnership complies with equalities legislation and promotes equality of opportunity and diversity throughout the organisation.

Regional Managers and Department Managers (Managers) are responsible for developing an open and inclusive culture in which staff and learners feel able and encouraged to report any incidents of discrimination, harassment and bullying in the workplace. Managers are expected to actively support staff and learners making a complaint and ensure that any such allegations are fully and thoroughly investigated and dealt with appropriately.

Managers will be responsible for ensuring that awareness is raised with third parties that harassment will not be tolerated, and that complaints of discrimination and harassment will be investigated, and action taken against offenders found guilty of such as appropriate to protect staff and learners from further occurrences.

Managers will also be responsible for setting high standards for equality and diversity in all Mercia Partnerships centres and workplaces, and for ensuring that all staff and learners are aware of the requirements of this policy and that it is applied fairly, rigorously and consistently.

Every member of staff carries personal responsibility for their own behaviour at work and for ensuring that this policy is translated into practice in all areas of employment and service provision.

All staff have a duty to report any incidents of discrimination, harassment or bullying that come to their attention, and to take part in any investigation into such allegations, to support Mercia Partnership in the development of a culture in which staff and learners feel able and supported to report such concerns and have them fairly and robustly addressed. Mercia Partnership gives an assurance that there will be no victimisation against an employee or learner making a genuine complaint in good faith or against employees or learners who assist or support colleagues or peers in making such a complaint.

The contents of this policy will be communicated to all employees during induction and thereafter at each subsequent policy review. Absolute compliance with this Equality and Diversity Policy is a condition of employment.

This policy is available, and will be communicated, to all interested parties, is agreed by the Directors and will be reviewed at least annually.