



Big Condo Training Academy CIC

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To be read and understood by:

Staff, volunteers, students, employers, work experience Providers, school Mentors and all relevant partners, customers and anyone coming to the company.

POL004:

Big Condo Training Academy CIC

Equality and Diversity

Big Condo Training Academy CIC is committed to eliminating discrimination and encouraging diversity.

Our aim is that our workforce and customer-base will be truly representative of all sections of society and each learner and employee feels respected and able to give of their best and to succeed.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and undertakings and not to discriminate because of a protected characteristic.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

We work to implement the Equality Act (2010) and in particular the public sector equality duty which requires the organisation to:

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- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Legislation

The Equality Act 2010

The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act simplifies, strengthens and harmonises the current legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

Protected Characteristics

Protected characteristics (previously called "strands") are definitions for groups of people given protection under the Equality Act 2010.

Age

A person belonging to a particular age (eg 32-year olds) or range of ages (eg 18 - 30-year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Long-term means that the disability has lasted or is likely to last for at least 12 months. Substantial means more than minor or trivial.

Gender Reassignment

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This is the process of transitioning from one gender to another. This transitioning process is a personal process, rather than a medical process, ie it does not require someone to undergo medical treatment in order to be protected. Transsexual refers to a person who has the protected characteristic of gender reassignment. It is important not to confuse gender reassignment with sexual orientation. A transsexual person can be a gay man, lesbian, heterosexual or bisexual.

Marriage and Civil Partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Race refers to a group of people defined by their race, colour, nationality (including citizenship) and ethnic or national origins.

Religion or Belief

Religion means any religion and includes a lack of religion. A religion need not be mainstream or well-known to gain protection as a religion. However, it must have a clear structure and belief system. Belief means any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. It also includes lack of religion or belief.

Sex or Gender

A male or a female.

Sexual Orientation

A person's sexual attraction towards persons of the same sex (ie a gay man or a lesbian), persons of the opposite sex (ie heterosexual) or persons of either sex (ie bisexual).

Other groups facing disadvantage in education and employment

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Big Condo Academy recognises that other groups of learners face particular disadvantages or barriers to progressing in education and/or employment and we seek to advance equality for the following groups, in addition to those with protected characteristics:

- Those from low socio-economic backgrounds
- Those living in, leaving or who have lived in care
- Those caring for others, particularly single parents or those caring for a person who has a disability
- Ex-offenders and those seeking to be rehabilitated.

Discrimination, Bullying, Harassment and Victimisation

The Equality Act 2010 gives protection to people who have, are perceived to have, or associate with someone who has a protected characteristic. It also gives protection against harassment and victimisation.

Discrimination

Direct Discrimination. Someone is treated less favourably than another person because of a protected characteristic.

Direct Discrimination by Association. Someone is treated less favourably because they associate with another person who has a protected characteristic.

Direct Discrimination by Perception. Someone is treated less favourably than another person because others think they have a particular protected characteristic.

Indirect Discrimination. A rule or policy that applies to everyone, but disadvantages people with a particular protected characteristic.

Bullying

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Bullying is threatening, abusive, intimidating or insulting behaviour that may be an abuse of power, position or knowledge. What may be perceived as bullying behaviour by one individual may occasionally be viewed as no more than firm management or strong personality by another and therefore may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable. Examples of bullying are given below.

These are just a small number of the many forms bullying can take and other forms will be viewed equally seriously:

- overbearing supervision, shouting, verbal, written and electronically transmitted abuse
- abuse of power or behaviour that causes fear or distress for others
- academic bullying, for example, asserting a position of intellectual superiority in an aggressive, abusive or offensive manner including via electronic media
- the deliberate undermining of an individual through unfair work allocation and/or constant criticism
- making unfounded or inappropriate threats and/or comments about job or course security
- public ridicule, sarcasm or humiliation.

Harassment

Harassment is where someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive, hostile, degrading, humiliating or intimidating, even if this behaviour is not directed at the person making a complaint.

The Big Condo Training Academy CIC supports the right of all staff to be treated with dignity and respect. This policy is designed both to help prevent harassment and to offer support to any member of the company who feels that they are being harassed or bullied by another member.

To prevent harassment, we seek to develop and encourage a working and learning environment and culture in which harassment is known to be unacceptable and where individuals have the confidence to complain of harassment without fear of ridicule or reprisals.

The Big Condo Training Academy CIC recognises that in addition to a legal obligation to deal with instances of harassment, it has a moral responsibility to provide a working and learning environment free of harassment. Staff must be aware that although cases of harassment may be resolved informally, it may be necessary to take formal action which could lead to disciplinary action and possibly dismissal. The possibility that complaints may be made with mischievous or malicious intent is also recognised by The Big Condo Training Academy CIC and will also be treated as grounds for possible disciplinary action.

In addition to internal procedures and remedies for dealing with harassment, individuals who harass another individual will be in breach of civil and criminal law and may be prosecuted in the courts.

Harassment in General Terms

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There are many forms of harassment which are, in simple terms, unwelcome behaviour that affects the dignity of a person. It is the conduct of one person against another or others when an intimidating, hostile or offensive atmosphere is created for the complainant(s).

Harassment takes many forms and includes behaviour related to a protected characteristic or other trait. In general terms, it is actions or comments viewed as demeaning or unacceptable by the recipient.

It may be so serious and/or unrelenting that the person who is being, or has been harassed feels it necessary to change their job. Conduct that is acceptable to one person may prove to be unwelcome to another. The test applied is that the conduct, whether unwitting or deliberate, is unacceptable to the recipient and would be judged as harassment by any reasonable person.

Examples of harassment are given below. These are just a small number of the many forms harassment can take and other forms will be viewed equally seriously:

- abuse through email or other electronic media
- the invasion of personal space
- displaying offensive material (on paper or electronically)
- written abuse including graffiti, email and web sites
- spreading malicious rumours or insulting someone
- preventing other people from progressing by deliberately blocking educational or training and development opportunities or promotion
- inconsistent management style where some individuals are favoured more than others
- making critical or patronising remarks in front of others or criticising people behind their backs
- inappropriate language that causes offence to others.

Harassment on the Grounds of Disability

Harassment on the grounds of disability is hostile and/or offensive behaviour from one individual or group of people towards those with a physical or other disability. Such behaviour might include derogatory name-calling, belittling remarks, ridicule, insults, jokes, graffiti, verbal abuse, threats or physical assault because of a disability. It might also include any comments that imply that disability impairs the person’s ability to perform their role within the company.

Racial Harassment

Racial harassment is hostile and/or offensive behaviour from one individual or group of people towards those of a different racial, religious or ethnic origin. Such behaviour might include racist derogatory name-calling, belittling remarks, ridicule, insults, jokes, graffiti, verbal abuse, threats or physical assault because of cultural and/or religious differences. It might also include any comments that imply that ethnicity or religion, impair the person’s ability to perform their role within the company.

Religious Harassment

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Religious harassment is hostile and/or offensive behaviour from one individual or group of people towards those of a different religion. Such behaviour might include, derogatory name-calling, belittling remarks, ridicule, insults, jokes, graffiti, verbal abuse, threats or physical assault because of religious differences. It includes drawing unwelcome attention to an individual's religious beliefs. It might also include any comments that imply that religion impairs the person's ability to perform their role within the company.

Harassment on the Grounds of Age

Harassment on the grounds of age is based on attitudes; assumptions and stereotyping that are prejudicial to older or younger people. Some examples of ageist harassment are derogatory remarks or behaviour, expressing prejudicial assumptions about abilities, or exclusion from social activities. It might also include any comments that imply that age impairs the person's ability to perform their role within the company.

Sexual Harassment and Harassment Relating to Sexuality

It is most often found that it is women who are harassed by men. However, sexual harassment between members of the same sex or of men by women does also occur. Harassment on the grounds of sexuality may be of heterosexuals, but is more usually of lesbians, gay men, transsexuals, bisexuals or people who are transgendered.

All forms of harassment are equally unacceptable and are covered by this policy. Sexual harassment is hostile and/or offensive behaviour by one person towards another on the grounds of their gender, marital status, sexual orientation or sexuality. Such behaviour might include derogatory name-calling, belittling remarks, ridicule, insults, jokes, graffiti, verbal abuse, threats or physical assault. It might also include any comments that imply that a person's gender, marital status, sexual orientation or sexuality impairs the person's ability to perform their role within the company.

Sexual harassment also includes unwanted and unwelcome sexual behaviour. Examples are given below. These are just a small number of the many forms that sexual harassment and harassment relating to sexuality can take; other forms will be viewed equally seriously:

- suggestive looks, leering and remarks
- suggestive behaviour and offensive flirtations
- unwanted physical contact
- unwanted sexual advances
- unwanted demands for sex
- stalking
- inappropriate sexual and/or homophobic remarks, innuendos, lewd comments, jokes
- threats of disclosing sexuality
- compromising invitations
- repeated and unwelcome invitations for dates
- offers of favoured treatment in return for sex (or threats of disadvantage if refused)
- offensive and/or degrading display or electronic transmission of pornographic, suggestive or homophobic material

Victimisation

Someone is treated badly because they have made/supported a complaint or grievance under the Act.

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Procedure for Raising a Complaint

If you think you are being harassed or bullied, do not feel that you have to tolerate the situation. Bullying and harassment may not always be easily recognisable or easy to deal with. It is advisable, therefore, to keep a record of incidents that staff feel bothered by. Make a note of the date, time, circumstances, and names of any witnesses and how you felt at the time. If there is any doubt, staff should consider taking the action outlined in the following paragraph.

For staff: Please refer to Grievance Procedure

For learners and other organisations contact the Big Condo Academy for policy and procedures.

If you require a copy of these Procedures, please email bigcondoacademy@bigcondo.co.uk or contact your line manager or Big Condo Academy contact.

Reasonable Adjustments

The Equality Act 2010 requires reasonable adjustment to be made for someone with a disability. The duty to make reasonable adjustment comprises three requirements. For education providers, these requirements are to take reasonable steps to:

- avoid the substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage compared to those who are not disabled;
- remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts disabled students at a substantial disadvantage compared to those who are not disabled;
- provide an auxiliary aid where disabled students would, but for the provision of such an auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

Positive Action

Positive action means offering targeted assistance to people so that they can take full and equal advantage of particular opportunities. Putting it another way, positive action means taking action to ensure that all groups of people have equal opportunity of access to our services. Positive action is optional, not a requirement. Positive action is lawful.

Positive action is not the same as positive discrimination. Positive discrimination means explicitly treating people more favourably on the grounds of a protected characteristic. Positive discrimination is unlawful except in the case of disability. In The case of disability positive discrimination is lawful as long as it is appropriate to achieve equality of opportunity between disabled people with different impairments.

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Recruitment Practices

The policy and practice of the company require that all employees are afforded equal opportunities within employment and that entry into employment with the company and progression within employment will be determined only by personal merit and the application of criteria which are related to the duties of each particular position. In all cases, ability to perform the job will be the primary consideration.

Big Condo Training Academy CIC will collect and monitor data relating to protected characteristics to ensure fairness and equality of opportunity.

All employees have a duty to co-operate with this policy to ensure equal opportunities and to prevent discrimination, and to advance the public sector duties.

Disciplinary action will be taken against any employee who breaches this policy and serious breaches will be treated as gross misconduct.

Our commitment to our staff

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Equality in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.

Our commitment to learners and customers:

- To ensure that best practice in equality and human rights is rooted in all aspects of our delivery and embedded throughout the learner journey and in employer engagement;
- To ensure that our work is informed by effective and inclusive consultation, engagement and communication with customers, staff, stakeholders and employers;
- To ensure that the promotion of equality and human rights and elimination of discrimination and harassment is embedded in all practices through leadership and organisational commitment;
- To ensure the development of an effective and diverse workforce that is able to support the above objectives.

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Key Definitions

Diversity Diversity is about acknowledging, respecting and valuing differences between individuals and groups of people.

Direct Discrimination Someone is treated less favourably than another person because of a protected characteristic.

Direct Discrimination by Association Someone is treated less favourably because they associate with another person who has a protected characteristic.

Direct Discrimination by Perception Someone is treated less favourably than another person because others think they have a particular protected characteristic.

EHRC The Equality and Human Rights Commission has duties to promote human rights and equality and to provide advice about the law so that discrimination is avoided. It also has powers to enforce discrimination law in some circumstances.

EDIMs Equality and diversity impact measures are actioning an organisation takes to advance equality and diversity.

Equality Equality is about making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but it recognises that their needs are met in different ways. Equality is the framework that enables opportunity, access, participation and contribution that is fair and inclusive.

Equality Impact Assessment This is a process whereby a policy, procedure or practice is reviewed, and if necessary amended, to ensure that it does not discriminate against any group or individual with a protected characteristic.

Harassment Someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive hostile, degrading, humiliating or intimidating, even if this behaviour is not directed at the person making a complaint.

Indirect Discrimination A rule or policy that applies to everyone, but disadvantages people with a particular protected characteristic.

Protected Characteristics Protected characteristics (previously called "strands") are definitions for groups of people given protection under the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Victimisation Someone is treated badly because they have made/supported a complaint or grievance under the Act.

The Big Condo Training Academy CIC will implement this policy at all times.

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