

HTP Apprenticeship College Respecting Differences Strategy 2019 - 2022

Introduction and Legal Duties

This is HTP Apprenticeship College's (HTP) third (three year) Respecting Difference Strategy taking account of all elements of Equality, Diversity and Inclusion and diversity-related safeguarding matters.

This strategy covers the timeframe 2019-2022 and will be reviewed regularly to take account of changes in law and adoption of best practice. It relates to HTP Staff, Learners, Employers, Stakeholders and local communities we serve.

The Equality Act 2010 identifies nine groups of people protected by law from being unlawfully discriminated against, these are:

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

In addition, HTP takes account of other potentially disadvantaging factors such as poverty and geographical location, including rural isolation. HTP strives to play a key role both locally and within the region; leading by example and seeking to achieve demonstrable improvements for all the communities we serve.

The strategy sets out the actions we take to meet the three overriding aims of the Public Sector Equality Duty, namely:

- **Eliminate unlawful discrimination**, harassment and victimisation and any other conduct prohibited by the Act
- **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 those who don't

The strategy is supported by the following HTP Apprenticeship College policies and procedures:

- Annex 1** Equality, Diversity and Inclusion Policy (Staff)
- Annex 2** Equality, Diversity and Inclusion Policy (Learners)

- Annex 3** Harassment & Bullying Policy and Procedure (Staff, Learners and Employers)
- Annex 4** Whistleblowing Policy

Aim

The aim of this document is to draw together our approach and activities in relation to Equality, Diversity and Inclusion both as a provider of training services and as an employer. We intend to achieve this by:

- Raising awareness of Equality issues particularly the core protected characteristics for Staff, Employers, Learners, Stakeholders and the Local Communities
- Widening participation through our ethos of providing support to diverse and disadvantaged people
- Maximising the business benefits applicable to our service industry
- Fulfilment of the requirements of any regulatory body such as Awarding Bodies, Sector Skills Councils, Ofsted & Government funding departments/bodies.
- Compliance with the law

Within **Appendix A** we have set out our understanding of key definitions of equality and diversity.

Leadership

The Directors of HTP provide clear and consistent leadership in the promotion of equality of opportunity by:

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- All Directors taking a special interest in the implementation of this strategy and actively supporting the development of resources in order to meet the needs of the communities
- All Senior Management Team (SMT) members have a responsibility for ensuring staff awareness and compliance
- The SMT will ensure that the specific actions required from the Respecting Difference Strategy are communicated and actioned within agreed timescales
- When appropriate learners will be asked to contribute towards the development of equality, diversity and inclusion via discussion groups, surveys and other formats as applicable

Specific responsibilities

- **All managers/supervisors.** All managers and supervisors act as champions of this strategy. They use their positions of authority and leadership to demonstrate best practice and are vigilant in identifying and preventing unacceptable behaviour. Our performance appraisal

system includes specific assessment in relation to equality diversity and inclusion.

- **Employees.** Every employee has personal responsibility to read this strategy, comply with it and embrace the ethos of it.

Business Case for Equality, Diversity and Inclusion

We know that embedding equality, diversity and inclusion in all our policies and procedures not only ensures our compliance with the law but also enhances our long-term stability as a quality learning provider, in particular for:

- Growth and maximisation of existing contracts
- Development of new business opportunities
- Effective and efficient use of resources
- Continuous improvement of our training expertise
- Recruiting and retaining employees that reflect the local community
- Enhancing partnership working
- Maintain HTP's existing outstanding reputation with employers
- Continue to ensure that achievement and progression rates are significantly above national averages
- Demonstrating sensitivity to the needs of the communities we serve
- Avoiding litigation

Other Duties (non-legislative)

HTP recognises that it has moral obligations (outside of existing legislation) to its Staff, Learners, Employers, Stakeholder's and the Wider Community. HTP also has a number of contractual requirements linked to funding and awarding bodies that HTP embraces and extends beyond; for example:

- Safeguarding Children and Vulnerable Adults Policy
- Preventing Extremism and Radicalisation Safeguarding Policy
- Client Confidentiality
- Awareness in Diversity & Inclusion training and in Safeguarding training of Child Sexual Exploitation, Modern Slavery, County Lines (Drugs), Government's Serious Violence Strategy and other diversity-related safeguarding matters

Applying Policy to Practice

Service delivery

We want to be exemplars of excellent customer service and take the following steps to ensure that our commitment to equality, diversity and inclusion is central to every aspect of the wide range of services we provide by:

- Ensuring sub-contractors have knowledge of this strategy and comply with it
- Communicating effectively and offering alternative formats and languages where required
- Providing adaptations and aids as needed and planning future provision to meet forecasted needs
- Working closely with disabled learners and employees and to make reasonable adjustments wherever practicable
- Providing initial Information, Advice and Guidance (IAG) to all existing and potential users of HTP services
- Working in partnership with identified community groups in order to widen participation and break down barriers of inequality
- Conducting equality impact assessments of key policies and procedures
- Recruiting and training our employees to uphold and implement this strategy
- Monitoring the equality of opportunity experienced by our Staff, Learners, Employers, Stakeholders and the wider community.

Working in Partnership.

HTP works alongside any private, public or voluntary sector organisations that can provide us with a range of expertise and experience that supplements our own knowledge. This in turn enables us to understand the needs of specific groups (protected characteristics) and individuals and the barriers they face in accessing training. In particular by:

- Identifying additional support needs for learners and their employers where applicable
- Obtaining translation, interpretation and other specialist services
- Improving our understanding of the cultural and language requirements
- Understanding religious sensitivities of learners and employees
- Identifying occupational gender bias and appropriate solutions
- Identifying issues relating to age and barriers faced by age inequality
- Better understanding of inequality issues faced by Lesbian, Gay, Bisexual and Transgender (LGB&T) Communities

Community Involvement and consultation

HTP considers that one of the best ways of finding out what causes inequalities and problems is to ask people from diverse groups themselves. HTP has already identified the following for consideration when undertaking future involvement:

- **Learner availability** We will be sympathetic to needs of learners and therefore wherever possible meetings, reviews and communication will be linked to existing training times

- **Anonymity** Some members of diverse groups may be reluctant to make adverse comments about their employers, community, and training provider so we have made provision for anonymous responses to be accessed via our independent help-line and some surveys
- **Wider representation** Where possible we will develop a 'group of respondents' that can be called upon to participate in future involvement so that we can gain a wider perspective. We would hope to draw this group together from the protected characteristics appropriate to our development

Equality Impact Assessments

Equality Impact Assessments assess the effect of our policies, decisions and systems on the protected groups within the Equality Act 2010. We seek to:

- Ensure that our decisions and activities do not disadvantage people from diverse groups or treat them less favourably
- Identify how we can better promote equality of opportunity by meeting their needs
- Eliminate all forms of discrimination
- Identify improvements to services
- Ensure policies avoid stereotyping or adopting harmful policies or procedures
- Be a better employer that meets its ambitions in relation to diversity against demographic profile
- Ensure that HTP will be able to do anything practical to support work on community cohesion and social inclusion

Our Equality Impact Assessment process and guidance is detailed within **Appendix B**.

Employment and Training

HTP will seek to develop a workforce that reflects the communities in which we operate. We will take steps to avoid unlawful discrimination in every aspect of our employment practices from recruitment to dismissal, in career development and flexibility of our working arrangements.

We appreciate that we need to provide the training, information and guidance to enable our employees and learners to fulfil their responsibilities under this strategy. In particular, they need to:

- Understand their legal rights, responsibilities and obligations
- Be aware of HTP's Equality Impact Assessments and major actions arising from these
- Be aware of the sensitivities relating to many of the protected characteristics; for example, appointments take account, where

possible, of particular days of religious significance, employee dress codes and dietary provisions.

Gathering Information

We recognise that a strategy will not be effective unless we regularly measure performance and remedy any shortfalls. To implement our approach to Equality and Diversity, we need to continually review and refresh information on:

- Legislation and supporting Statutory Codes of Practice
- Good practice that exists across the learning sector
- The diversity profiles of our employees, learners and the communities we serve, taking account of the latest Data Protection regulations
- The needs of individual learners (including their preferred communication methods and any aids or adaptations they require)
- Individuals or groups of learners who are facing barriers in accessing our services
- Customer (learners and employers) satisfaction with our ability to meet their specific service needs and handle complaints in relation to diverse groups

The use of data will enable us to monitor whether people from diverse groups have received less favourable treatment, whether their needs have been met and whether the benchmarks that we have set for learner, employer and employee satisfaction are being achieved.

Communications

We recognise that access to information, support and advice is key to empowering our employees, learners and employers. To ensure that our communications are effective, we:

- Identify the information that is important to our employees, learners and employers, other stakeholders and the wider community
- Provide accessible information
- Target information
- Monitor the effectiveness of our communication methods
- We will provide an independent help-line facility for all those requiring support or advice relating to aspects of employment, equality, diversity and the development of policy.

Linked Documents:

HTP's position on Disability and the Social Model of Disability **Appendix C.**

Monitoring and Review.

We will monitor, evaluate and review this strategy in order to meet our duties.

Appendix A

Key Definitions of Unlawful Acts – Language Glossary

Direct discrimination. When you treat a person less favourably than another in the same or similar circumstances because of, for example, their disability, gender, race, colour, nationality or ethnic origin.

Indirect discrimination. This is a more subtle form of discrimination. It happens when a requirement or condition is imposed which may appear fair since it applies to all, but in practice affects a group of people adversely. This may be because substantially fewer people in one group can meet the requirement (for example, women returners-to-work are likely to have fewer years work experience than men); the requirement or condition cannot be objectively justified; and an individual is caused detriment as a result.

Victimisation. Victimisation occurs where an individual is treated less favourably because he or she has made a discrimination complaint internally or to a service provider direct, made a discrimination claim to a tribunal or court or acted as a witness in relation to a complaint of discrimination, or is suspected of doing so.

Harassment. Harassment occurs where a person is subjected to unwanted conduct on one of the prohibited grounds which has the purpose (intentionally) or effect (unintentionally) of violating that person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Other Important Definitions

Instructions or pressure to discriminate. It is unlawful to give instructions to a person to commit an unlawful act of discrimination or bring pressure to bear on a person to discriminate. It is also unlawful for a person to aid another to commit an unlawful act.

Investigation and action. If an employee or learner claims that one of the above unlawful actions has taken place, it is the responsibility of HTP to investigate the claim and to 'prove' that it has or has not taken place. It is not the responsibility of the employee or learner.

Institutional discrimination. The collective failure of an organisation to provide appropriate services to people because of their colour, sex, disability (or other protected characteristics). It can be seen in the processes, attitudes and behaviour, which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantage certain people.

Bullying. The essence of bullying is taking advantage of weakness. Bullying is unacceptable; it devalues individuals and as such is completely against the ethos of equal opportunities. Bullying will often also be a form of prohibited behaviour covered by the key definitions above.

Positive discrimination. The unlawful act of treating someone more favourably than another in any aspect of services or employment, for example in recruitment, promotion, training or delivering any other service (NB Disability legislation does allow for more favourable treatment of disabled people).

Positive action. Employers and training providers can encourage under-represented communities to access employment and/or the services available. This could mean encouraging an under-represented group to apply for particular posts by providing them with specific training. However, if and when we select this we will make our judgements on merit and not positively discriminate.

Equality/equality of opportunity. In recent years, these concepts have become associated with legal compliance. For instance, not treating people less favourably due to a personal feature or failing to comply with a duty such as providing reasonable adjustments for disabled people.

Diversity. Again, this concept has tended to be interpreted as meaning being more positive and pro-active than just achieving legal compliance. Hence employers and training providers will actively pursue diverse workforces and learners because they seek the business value of recognising and optimising the range of qualities that different people can bring.

Appendix B

Equality Impact Assessments

Introduction

The Public Sector Equality Duty recommends the use of Equality Impact Assessments to assess the effect of strategies, systems and decisions on the protected groups within our society.

Deciding when an equality impact assessment should be undertaken

HTP takes a realistic and pragmatic approach towards equality impact assessments and will undertake assessments on policies and procedures with highest equality relevance and in any case when new ones are developed.

The assessment

Using both qualitative and quantitative information (from our existing information sources and elsewhere) to assess any negative, neutral or positive effect of the policy upon a protected characteristic. HTP's equality impact assessment **form** provides a step by step approach to the process:

- Identify changes, improvements and other actions that can be taken to reduce the negative effect or maximise on positive effect (in this policy or elsewhere). Involvement of diversity groups can help find solutions.
- Assess whether changes, amendments or alterations are reasonable in terms of practicality, resources and timeliness.

Outcomes

Take decisions as to what changes are to be made and ensure actions are completed.

If we decide not to make change, we should be able to show that the decision was reasonable and record those reasons.

On-Going Activity

Monitor progress of equality impact assessments and ensure actions are carried out.

Review equality impact assessments process and include any necessary changes within revised policies and procedures.

Appendix C

Disability

The Equality Act 2010 defines disability as a physical or mental impairment, which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities.

Social Model of Disability

HTP's vision is based on the **social model** of disability. This means that people are disabled by negative attitudes and assumptions, physical and social barriers rather than their impairments or medical conditions.

Key Considerations

Factors that HTP consider when providing services/support for disabled people include:

- Providing reasonable adjustments both in the workplace and training rooms
- Providing accessible communications and premises
- Taking account of the issues identified during involvement

Learner and Employer Involvement

In developing improved involvement of employees, learners and employer representative with disabilities we endeavour to gain their views of;

- Promotion of involvement from people with a disability
- Satisfaction Survey
- Discussion Focus Groups with external community groups.
- Staff training relating to Disability Awareness

Improving our data

We are aware that we must improve the level of information held on our systems relating to:

- 'Self –declaration' of a disability or impairment
- Adaptations and aids – both provided, used or unavailable

Annex 1

HTP Apprenticeship College Equality, Diversity & Inclusion Policy (Staff)

Overview

HTP Apprenticeship College (HTP) is committed to the elimination of discrimination and the promotion of equality of opportunity in its provision of education, training and employment, goods services or facilities.

The purpose of this policy is to ensure that we can demonstrate that we are working towards equality and inclusion in employment and in the services that we provide. The policy applies to all learners, those seeking to be learners, employees, applicants for employment and the Company Directors.

This policy will also help the company, as part of its commitment to diversity, to deliver its duties for Equality, in ensuring that all individuals and groups are provided with services that are fair, representative and accessible for their individual needs. This policy should be read in conjunction with HTP's **Respecting Difference Strategy**, which includes legal definitions and guidance.

Aims

Through this policy HTP aims to:

- ensure that no individual or group receives less favourable treatment on the grounds of gender, marital status, age, responsibility for dependants, socio-economic status, race, colour, ethnic or national origin, political or trade union membership, differences in religion or belief, sexual orientation, disability, transgender, medical conditions including terminal illness and HIV status, local geographic (rural, urban or community) factors or is disadvantaged by conditions or requirements which cannot be shown to be justifiable to the Directors;
- create an accessible organisation and extend opportunities in education, training and employment to groups identified as under-represented in education and training to promote lifelong learning;
- recognise that working towards equality of opportunity is not additional or marginal to its activities, but central to the efficiency and development of the organisation and its centres as an employer and as a provider of education and training;

Introduction to Staff

This policy is about you and affects you; it is not just about the law that we must all comply with. It is about our attitudes, values and behaviour and the way we work with those we come into contact with, whether they are our colleagues, learners, contractors or other customers.

We must all understand and comply with the underlying principles of this policy, as HTP has a zero tolerance to any infringement of its equality and diversity policy and procedures. If you want help, clarification or guidance on any issue raised in this document then please speak with your line manager or any director.

Promotion, Advertising and Newsletters

HTP will:

- ensure that its advertising material is free from any discriminatory statements or information;
- ensure that all staff, employers and learners are aware of their obligations in respect of non-use and/or removal of inappropriate images, which create an intimidating, hostile or humiliating working environment; this includes displays of pornography, Internet downloading of offensive material at work or vocational training work placements;
- make every effort to carry out its advertising in such a way as to encourage applications from all sections of the community including, where appropriate, advertising in specialist press/community centres to ensure that all groups have an equal chance of seeing the advert;
- develop an appropriate marketing strategy to meet the diverse needs of the community it serves; this will incorporate learner advertising and employee recruitment

Employee Recruitment, Selection and Development

- HTP will aim to ensure it recruits employees with the knowledge, skills and experience appropriate to job requirements in line with the Safer Recruitment Policy.
- All HTP employees involved in recruitment, selection, placement and support of staff and learners will receive appropriate training especially with regard to equality of opportunity and interviewing skills.
- HTP will encourage all employees to apply for training and promotional opportunities, particularly those demonstrating an interest that have traditionally not sought training or employment in particular

occupational areas such as; women in management, men into administration and people with disabilities into employment.

- All staff will undertake mandatory Equality, Diversity and Inclusion Training within 6 months of commencement of employment with HTP.
- All staff will undertake annual refresher training in respect of Equality, Diversity and Inclusion

Ex-offenders

- HTP shall make every effort to avoid unfair discrimination based on unrelated criminal convictions. In many cases, an individual's offending record may have no bearing on the employment under consideration. Where there is doubt as to whether the previous conviction(s) are relevant or not, it is a matter of exercising judgement based on the facts of the offence (e.g. seriousness, whether work-related, how long ago, evidence of re-offending) and the nature of the employment opportunity including any interaction with learners and/or colleagues.
- HTP will ensure confidentiality for the individual concerned and that any information given or sought will only be made known to those who need to know.
- HTP will ensure that all employees who come in contact with vulnerable young people and adults have a Disclosure and Barring Service (DBS) check, meeting legislative requirements.
- HTP will not engage a person who is barred from working with children or vulnerable adults.
- HTP will inform the relevant authorities if an employee is dismissed because they have harmed a child or vulnerable adult, or would have done so if they had not left.

Please refer to HTP Safeguarding Policy for further information.

Dealing with Discrimination

- HTP will ensure that every support and assistance is provided to employees, learners, learning centres and contractors who consider themselves to have been a victim of discrimination, prejudice or harassment.
- All proven acts of unlawful discrimination or victimisation by employees shall be treated as disciplinary offences.
- Employees will be advised of grievance procedures and their rights under the law at induction.
- Contractors or anyone working for, or on behalf of HTP will be advised of how to make a complaint and of their rights under the law at the

commencement of their contract, learning agreement or other contractual agreement.

Dealing with Harassment and Bullying

Any form of harassment or bullying is intolerable. Such actions, which are unwanted and adversely affect working relationships, are disciplinary offences within the HTP Harassment and Bullying Policy. In serious allegations, HTP reserves the right to inform/involve the Police

Campus & Learner Responsibilities

- HTP aims to ensure that campuses and learners are fully aware of this policy and of their responsibilities to comply with the policy and other policies that may affect them.
- HTP will ensure that campuses and learners are consulted about the future needs of this policy via appropriate communication structures

Other Contractors

HTP will ensure that contractors who provide a service are provided with a copy of this policy and of their rights and responsibilities to uphold all policies. Proven failure to do so may result in the termination of their contract

Recording, Monitoring and Reviewing

The Chief Executive and the E& D Consultant are ultimately responsible for ensuring the development, implementation and monitoring of this policy.

HTP will monitor and record relevant learner statistics, e.g. relating to the Protected Characteristics (Equality Act 2010) or belief of individuals, in the following areas:

- applications for and induction on to learning programs;
- progress made against Individual Learning Plan;
- complaints;
- all statistics gathered shall be regularly evaluated and reported to the Senior Management Team at least six monthly to see if there are any anomalies and to ensure that the policy is continually being put into practice;
- all personal information collected for the purpose of equal opportunities monitoring will be treated as confidential and not misused, in accordance with the General Data Protection Regulation 2018

Implementation, Responsibilities and Liabilities of Employees

- All employees shall be made aware of the Equality and Diversity Policies and Procedures at induction.
- It is the responsibility of all employees to ensure that they have read and understood the range of policies disclosed within this policy and to comply with them.
- All employees will be required to undertake mandatory awareness of equal opportunities training within 6 months of commencement of employment.
- All employees will be required to undertake mandatory equal opportunities refresher training every year or at an earlier period should senior management identify this as a need for the individual concerned.
- **Personal Liability** – If an employee, in the course of their employment, discriminates unlawfully and against any individual on the grounds defined within the Equality Act 2010 relating to Protected Characteristics in terms of race, gender, disability, transgender, sexual orientation, religion, belief or age they are personally liable and could be subject to a disciplinary, which may result in the loss of their job.
- **Vicarious Liability** – HTP, as an employer, is liable for any discriminatory act carried out, with or without its knowledge or approval, by an employee in the course of his or her work unless it can demonstrate that all practicable steps were taken to prevent the employee discriminating.

Effectiveness of this Policy

To ensure the continued relevance and effectiveness of this policy, both the content and implementation will be reviewed annually or when legislation dictates.

Annex 2

HTP Apprenticeship College Equality of Opportunity, Diversity and Inclusion Policy (Learners)

Introduction

We are committed to respecting difference and providing a welcome training environment for all our learners and employers, building mutual trust and respect with regard to equality of opportunity and inclusion. We recognise that some individuals and groups within society can face discrimination and disadvantage and Directors are committed to dealing firmly and promptly with any cases of alleged or proven discrimination.

Aim

The aim of HTP's Equality of Opportunity, Diversity and Inclusion Policy for Learners is to ensure all learners have equality of opportunity in every element of our training provision, regardless of age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex and sexual orientation (Protected Characteristics as detailed in the Equality Act 2010).

Equality of Opportunity, Diversity and Inclusion Law

The law defines discrimination as treating someone less favourably because they belong to one of the protected characteristics (groups) listed above. There are various types of discrimination including:

- Direct Discrimination – treating someone less favourably than another in employment or the provision of goods and services, including education and training.
- Direct Discrimination by Association – treating someone less favourably because they are associated with someone with a protected characteristic (for example someone who cares for a disabled relative).
- Direct Discrimination by Perception – treating a person less favourably because someone thinks they have a protected characteristic (for example thinking a person is gay or lesbian because of the way they dress).
- Indirect Discrimination – applying a requirement or condition which, whether intentionally or not, adversely affects any person, or member of a particular group, considerably more than others and cannot be justified (for example a rule forbidding the wearing of any jewellery could adversely affect Christians who want to wear a necklace with a cross).
- Harassment – unwanted conduct about a protected characteristic that has the effect of creating an intimidating, hostile, degrading or offensive environment for the person.

- Victimisation – when a person is treated less favourably because they have made or supported a complaint or raised a grievance about discrimination or harassment, or because they are suspected of having done so.

It is also important to consider other factors not included in the Equality Act 2010 such as geographical location, caring responsibilities, socio-economic status or disadvantages caused by other conditions or requirements which cannot be shown to be justified.

Another useful definition to note is relates to 'Hate Crime'. This is defined as:

'any criminal offence which is perceived by the victim or any other person to be motivated by a prejudice or hatred due to a disability, gender reassignment, race, religion or belief, or sexual orientation'.

HTP's Approach to Equality of Opportunity, Diversity and Inclusion

Information & training

All HTP staff undertake initial and ongoing training on equality, diversity and inclusion.

You will receive information on the key principles of equality, diversity and inclusion at the start of your training. In addition throughout your learning journey your HTP Training Consultant will regularly discuss the day to day practical application of these principles when they meet with you. This practical application may include things that have happened to you or you have witnessed in the workplace or training centre, news and stories in the media, what is happening on social media, current religious or cultural events or other topical themes.

You role and responsibilities

Remember, equality, diversity and inclusion is not just about the law that we must all comply with, it is about our attitudes, values and behaviour with those we come into contact with, other learners, work colleagues, HTP staff and customers.

Action to take if you feel that you are being discriminated against

HTP has a zero tolerance to any infringement of this equality and diversity policy and will take robust action to deal with any discrimination if and when it arises. If you feel that someone at HTP or in your work placement is not treating you fairly you should:

- Speak to your HTP Training Consultant, another Training Consultant you trust or your employer. They will try and resolve any issues with you at this point.

- If the first person you tell doesn't or can't help you can speak to someone more senior in the company by contacting a senior manager in writing explaining what has happened.

Free online help & advice

Our email helpline is also available to all HTP Apprenticeship College's learners and employers. It offers advice and support from HTP staff with specialist knowledge in this area and where appropriate they can signpost you to other organisations which provide advice on matters of equality and employment.

If you have an issue or question please email us at htphelp@htp.ac.uk and we will do our best to respond within 24 hours.

Monitoring

HTP is committed to ensuring all learners receive a positive, non-discriminatory learning journey. We monitor the profile of our learners and staff annually to assess equality of opportunity. We also ensure equal access to work experience and respond positively to disabled learners to enable them to participate in the full range of training opportunities available, taking account of the duty to make reasonable adjustments.

In addition we monitor our contractual arrangements with the organisations and employers that we work with checking their Equal Opportunities policies are being implemented correctly and effectively.

Further information

You can access a full copy of our Equality, Diversity and Inclusion policy by logging on to our virtual learning environment, Myhtp or alternatively please speak to your Training Consultant or contact the HTP Old Grammar School Campus on 01983 533926.

Annex 3

HTP Apprenticeship College Harassment and Bullying Policy

Policy Statement

HTP Apprenticeship College (HTP) is committed to demonstrate our intention to eliminate any form of harassment, bullying or intimidation for any employee, learner, contractor or user of our services.

This policy has been put in place to eradicate behaviour, which HTP will not tolerate, not to shield from legislative or fair criticism in an appropriate manner, e.g., productivity issues, attendance, customer care, performance abilities, etc.

Although some cases of harassment, bullying or intimidation may be resolved informally, there can in extreme cases be grounds for disciplinary action, which may result in expulsion (learners) or dismissal (employees & contractors).

The Chief Executive, Directors and all members of the staff team and learners are entitled to be treated with dignity at work and in vocational learning.

Responsibility

All members of HTP including employees, learners and contractors are responsible for helping to ensure that individuals do not suffer harassment, bullying or intimidation. Overall, the Chief Executive is responsible for ensuring that this policy is implemented, and monitored.

Definition of Harassment and Bullying

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, denigrates or injures the recipient (emotionally or physically) - but it doesn't have a legal definition in the Equality Act. In fact bullying behaviour is very similar to harassment, but it is not related to a protected characteristic.

Harassment may include bullying behaviour, and it refers to bad treatment that is related to a protected characteristic, such as age, sex, disability, race, gender, religion or sexual orientation.

More specifically, the law defines it 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.'

Examples of Inappropriate Behaviour or Actions (these are not limited)

- sexual assault, intimidation or sexual harassment;
- physical assault;
- verbal abuse, threats or name calling, including ridicule;
- bullying – including any form of isolation;
- damage to property;
- offensive graffiti;
- downloaded inappropriate images of a sexual nature from the Internet;
- arson or attempted arson;
- telling of racist, sexist or other derogatory jokes and / or stories;
- malicious complaint;
- victimising a person because of perceived differences;
- displays of offensive material, literature or images;
- remarks or ridicule about dress, appearance, accent or speech;
- stereotyping individuals or groups;
- making sexual innuendoes, comments or leering;
- unwelcome touching, patting or pinching;
- sending threatening messages, including texts & e-mails;
- unprofessional work conduct to include belittling or criticising colleagues or learners in front of others; taking credit for other people's work and/or ideas; blaming others for one's own shortcomings;

HTP will not tolerate the offender's "lack of intention" to harass the victim. We will draw on the experience of the victim to determine whether an incident falls within the meaning of harassment. There is an **absolute obligation** on HTP to investigate all complaints and to take action where necessary. It is the responsibility of HTP and not the complainant to present or "prosecute" a case.

Guidelines For Using This Policy

The following guidelines contained in this policy are as follows:

- what should I do if I feel I have suffered harassment?
- what are the procedures for dealing with complaints?
- what should I do if I am the Adviser?
- what should I do if I am accused of harassment?
- what should I do if I am an Investigator?

General Overview

- a) If you think you have been the victim of harassment, bullying or intimidation you have the right to be assisted and supported in making your complaint by an HTP Director. The director is available on a totally

confidential basis to advise you. You are also entitled to contact HTP Employee Helpline facility for independent advice and support. Don't ignore it or hope that the matter will simply "go away".

- b) Either you or the adviser should put formal complaints of harassment to the complainant's immediate manager, unless the complaint is about that person. In this case, it should go to the person next in line of authority.
- c) In all alleged cases of harassment, bullying or intimidation an investigation panel decided by the Chief Executive may, after an initial investigation, temporarily remove all parties (the alleged harasser(s) and the accuser(s)) from their working duties, retaining the full terms and conditions of employment, to allow the investigation to take place.
- d) All investigations will be carried out in accordance with HTP policies relating to equality & diversity, confidentiality, disciplinary and grievance procedures. However, HTP reserves the right to, in extreme circumstances, refer the matter to external agencies such as the Police. It is the employee's responsibility to report harassment or discrimination. This may be directed at them personally or may be directed against other people.

Harassment & Bullying Policy Guidance Notes

What should I do if I feel I have suffered harassment?

Reporting harassment is becoming more common. Harassment often occurs where there are differences in ethnic origin, religion, sexual orientation, disability or ability, age, health status including HIV, gender, criminal record or status or it may be nothing to do with these differences but another factor that you cannot change.

If you feel that you are being harassed, it is important to keep a record of events, starting with the initial act of harassment.

Initial actions that you could take:

You may wish to try the following before making a formal complaint of harassment:

- a) alleged offenders may be unaware that their behaviour has been offensive. When challenged they may immediately apologise and modify their behaviour. **Do you feel able to talk to the person direct?** If so, explain the offensive behaviour, ask for an apology and a commitment to modify their behaviour;
- b) alternatively, maybe you would like HTP Harassment Adviser to try to resolve the matter. If so, contact them and request that they speak to the alleged offender on your behalf. Expect an apology and an understanding to modify their behaviour;
- c) however, you may feel that the harassment you have suffered makes it difficult or impossible for you or anyone else to directly approach the alleged offender, or that you have tried the direct approach with no success. At this point you should make a **formal complaint**.

Definition of terms used

You are the complainant:

- if you feel offended by what you see or experience or you feel offended by the treatment of one person towards another.

You are the adviser

- if you have been asked by the complainant to provide support and advice in your role as HTP Harassment & Bullying Adviser.

You are the investigator

- if you are the person designated to carry out the investigation.

Procedure for Making a Grievance

Harassment is an offence in law. You should use this procedure if you wish formally to complain about the treatment or action that you have experienced or are experiencing. The following steps need to be taken:

- approach one of HTP Senior Managers. You do not have to give details at this stage; you will only have to state that you wish to make a complaint of harassment;
- the Manager will then arrange for an investigation to take place and will enlist the support from another member of the Senior Management Team (SMT) to assist with the investigation;
- if possible, find someone to support you during the investigation. This could be a Trade Union representative, colleague or other approved person;
- remember to take copies of any papers you submit;
- do not make further contact with the alleged offender or ask others to be involved in contacting him/her.

What will happen next?

- a panel of the Adviser plus another SMT member is then designated to discover the detail of the complaint and will interview you;
- the panel may request that you do not attend work during the investigation;
- it is not your responsibility to present or “prosecute” a case: it is HTP’s;
- you will be supported at all times throughout the investigation;
- HTP will not tolerate any form of persecution resulting from a complaint;
- it will be made clear to you that everything you say and have written in your complaint will have to be put to the person you are complaining about;
- a conclusion may not be reached after one meeting and you may be asked to attend more than one interview;
- you should receive a copy of any reports or recommendations for further action, however confidentiality must be maintained;
- if you are dissatisfied with the result of the investigation, you can evoke the grievance procedure. Your grievance would have to show grounds that those involved had acted improperly or unfairly.

What should I do if I am the adviser?

If you have been asked to give support to someone who complains of harassment, your help may be required in: giving advice, support, information and acting as a representative in a disciplinary hearing if required.

You should therefore aim to understand the procedure on Complaints of Harassment, together with the definition of Harassment and the Equality and Diversity Policy. You should also make yourself familiar with the rules and processes for dealing with grievances and disciplinary action. You do not need to know all this at once, but you may do at some stage.

The person who wants your help is probably very upset, angry and anxious about what they can do. They will need your emotional support and, probably, practical help in dealing with the situation. It may be easier for you than for them to consider the options available and what they involve. Your help may be required in any or all of the following ways:

- help to deal with the matter directly with the person concerned;
- helping to decide whether to make a formal complaint;
- helping to make a written complaint;
- acting as a representative of the investigation panel throughout the complaint, which may include reporting to any subsequent disciplinary hearing (it will be necessary to also read the guidance notes detailed below);
- helping to decide whether a complaint has been dealt with satisfactorily and whether further action is required;
- helping to deal with any problems that remain when all formal proceedings have finished.

In all of these you will be offering support, information and advice.

- please ensure that you are fully conversant with HTP's Policy relating to Harassment and Bullying and that you are familiar with the following guidelines :
 - what should I do if I feel I have suffered harassment?
 - what are the procedures for dealing with complaints?
 - what should I do if I am the Adviser?
 - what should I do if I am accused of harassment?
 - what should I do if I am an Investigator?

What should I do if I am accused of harassment or bullying?

Being accused of harassment, bullying or intimidating another colleague, customer or learner is very serious and if proven could lead to disciplinary action being taken against you. Therefore, on receiving formal notification of the alleged complaint you must ensure that you fully understand your rights and responsibilities, these are:

- seek advice;
- you are entitled to a representative to support you throughout the investigation, this can be a Trade Union representative, colleague or other approved person;

- you will be required to attend an interview of the investigation panel;
- you will be asked to explain your position;
- you will receive information about the alleged incident(s);
- refer to information relating to HTP's Harassment & Bullying Policy and Guidelines in the Staff Handbook;
- keep any records you may have that support your claim;
- you will be asked if you have any witnesses – you must not try to influence their views.

Also following formal notification of the alleged complaint:

- you should not make contact with the complainant;
- you should not ask others to be involved in making contact with the complainant;
- you should ensure that if contact within the working environment is required with the complainant then this is achieved under strict supervision and in a courteous polite manner.
- the investigation panel will interview all parties including witnesses and will endeavour to arrive at their conclusion within 10 working days of the complaint being made. You will be kept informed of any decision and if proven, will have the right to appeal against the decision;
- you also have the right to take out a Grievance should the complaint be dismissed or if the panel feels that you have been unfairly treated;
- should the complaint be proven or that reasonable suspicion is proven then the panel will recommend disciplinary action. In such cases dismissal may be considered;
- if, however, the complaint is frivolous, unfounded or pernicious action may be taken against the complainant.

What should I do if I am the Investigator?

Two people will carry out all investigations the designated HTP Senior Manager) and another member of the Senior Management Team (SMT) will share the investigation. They will both share equal responsibility at all stages of the investigation including:

- the investigation plan;
- the conduct of the investigation;
- the report of the investigation;
- any recommendations for further action.

If there are any disagreements that cannot be resolved, this must be part of the report. The investigators have the sole responsibility for ensuring that the procedures are followed correctly, including:

- informing the Chief Executive of the complaint, and consulting over the investigation plan;

- informing the complainant of their rights, including the right to have a supporter;
- informing the alleged offender of their rights, including the right to have a representative;
- in consultation with the Chief Executive, arrange for both parties to be removed from employment duties during the investigation (where necessary or appropriate);
- informing parties of the possibility that the investigation could recommend further action, e.g., disciplinary or grievance actions;
- keeping records of the investigation and written statements submitted by the complainant, the alleged offender and any witnesses;
- completing a report of the investigation, sending copies to the complainant, their representative, the alleged or proven offender, and the Chief Executive.

Action will be quickly taken on receiving a complaint. The responsibility must not be delegated or transferred to any other individual (regardless of position), except in very exceptional circumstances, i.e., holiday or sickness absence for longer than an investigation could reasonably be delayed. If such an exceptional circumstance arises then the consent of the Chief Executive will be needed before any changes can take place.

A panel member must interview each of the parties and witnesses. During the investigation process it is essential to interview the parties separately. It may mean interviewing each party more than once if disagreements over facts are present and difficult to resolve. It is essential to write up each interview and ask the person concerned (and their representative) to sign their agreement as a true record. This may solve problems later if disputes arise in the course of any subsequent disciplinary and/or grievance proceedings.

The investigation report **must** recommend disciplinary action if there is sufficient evidence of harassment. In many cases, there may be one person's word against another's. If the investigation panel cannot reach a definite conclusion on the facts of the case there can be no disciplinary action taken. However, training or additional support may be suggested/offered for either parties if felt to be of potential value.

The investigation report could also recommend action against the complainant, including disciplinary action, should the case turn out to be frivolous, unfounded or pernicious.

The investigation report should be produced in the following form:

- it must be typed, marked "Private/Confidential" and signed by all members of the investigation panel;
- it must give a summary, in date order, of the stages of the investigation, beginning when the complaint was formally made;

- it must clearly identify the names, job titles and work location of all those involved;
- it must contain notes of all meetings and interviews conducted as part of the investigation;
- it must contain copies of all documents seen to be relevant to the investigation, including any written statements from the complainant, witnesses, etc. If any documents are re-typed afterwards, this should be stated;
- it must contain recommendations for further action and reasons for making those recommendations;
- if appropriate, the report will also arrange for the recommencement of duties for both parties.

Because events of this kind put a strain on all parties involved, it is important to carry out the investigation as quickly as possible. Ensure that you keep those involved informed of the likely timescale of each stage and, where a delay seems possible, make sure everyone knows how long this is likely to be.

Investigation panel members cannot be involved in any internal subsequent appeals or action panels (i.e. disciplinary or grievance) other than as personnel presenting evidence.

Annex 4

HTP Apprenticeship College Whistleblowing (Disclosure of Sensitive Information) Policy

Employees are often the first to realise that there may be something seriously wrong within the Company. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Company. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

HTP Apprenticeship College (HTP) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others with serious concerns about any aspect of HTP's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals.

This Disclosure of Sensitive Information Policy is intended to encourage and enable staff to raise serious concerns within HTP rather than overlooking a problem or blowing the whistle to the media or other external bodies.

Aim and Scope of the Policy:

- provide avenues for staff to raise concerns and receive feedback on any action taken;
- inform staff on how to take the matter further if they are dissatisfied with the response; and
- reassure staff that they will be protected from reprisals or victimisation for whistle blowing in good faith.

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Policy is intended to cover concerns that fall outside the scope of other procedures. That concern may be about something that:

- is unlawful; or
- is against the Company's procedures or policies; or
- falls below established standards or practices; or
- amounts to improper conduct.

Safeguards

Harassment or Victimisation

HTP recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. HTP will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistle blowing.

Confidentiality

HTP will do its best to protect an individual's identity when s/he raises a concern and does not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.

Anonymous Allegations

This policy encourages staff to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of HTP. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issued raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

- If any member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

Raising a Concern

For some minor issues (e.g. personal use of Company equipment) staff should normally raise concerns with their immediate manager or their superior. In general, however, the disclosure procedure is expected to be used for potentially more serious and sensitive issues (e.g. corruption, fraud) and the first step will be to approach a Director. Should the complaint be found by the Director to be substantiated, s/he may refer it to the appropriate person or body.

Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can

telephone or meet the appropriate Line Manager or Director. The earlier the concern is expressed, the easier it is to take action.

Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern. Advice and guidance on how matters of concern may be pursued can be obtained from the Directors.

How The Complaint Will Be Dealt With

The action taken by HTP will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to an external body.

In order to protect individuals and HTP, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other, existing, procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, HTP will write to the complainant:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling them whether any initial enquiries have been made; and
- telling them whether further investigations will take place, and if not, why not.

The amount of contact between the body considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual. When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a work colleague or a friend who is not involved in the area of work to which the concern relates.

HTP will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if staff are required to give evidence in criminal or disciplinary proceedings, HTP will advise them about the procedure.

HTP accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, staff will receive information about the outcomes of any investigations.

Alternative Methods of Taking Forward a Complaint

This policy is intended to provide staff with an avenue to raise concerns with HTP. HTP hopes this will satisfy staff. If an individual feels it is right to take the matter outside this process, the following are possible contact points:

- relevant professional bodies or regulatory organisations;
- individuals' solicitors;
- the Police.

If staff do take the matter outside HTP, they need to ensure that they do not disclose confidential information or that disclosure would be privileged.

Responsibility

The Chief Executive has overall responsibility for the maintenance and operation of this policy. She maintains a record of concerns raised and the outcomes.