

# **End-Point Assessment Services**


## **Equality and Diversity Policy**

**August 2023 (V3.0)**

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## Owner and version control

<b>Responsibility:</b>	Dean Boyce, Senior Responsible Officer	<b>Date doc. approved:</b>	V3.0 August 2023
<b>Print name sign off:</b>	Simon Little, Managing Director	<b>Last review date of doc:</b>	V1.0 Sep 2019 V2.0 June 2022
<b>Signature:</b>		<b>Next review date:</b>	August 2024

## 1. Purpose

This policy sets out Best Practice Network's commitment towards the development of inclusive and supportive learning and working environments for all Apprentices and staff where all individuals have the opportunity to fulfil their potential.

## 2. Scope

This policy applies to all staff and Apprentices. Visitors and associates will also be expected to abide by this policy.

## 3. Legislative context

This policy is set within the following legislation:

- The Equality Act 2010
- Rehabilitation of Offenders Act (1974)
- Health and Safety at Work Act (1974)
- Trade Union Reform and Employment Rights Act (1993)
- Criminal Justice and Public Disorder Act (1995)
- Protection from Harassment Act (1997)
- Crime and Disorder Act (1998)
- Human Rights Act (1998)
- Employment Relations Act (1999)
- Management of Health and Safety at Work Regulations (1999)

This policy will be reviewed in the light of any new legislation.

## 4. Policy statement

Best Practice Network is committed to actively promoting diversity and equality of opportunity and ensuring that these aspects are considered at all times in the design, development and delivery of its End Point Assessment service. Best Practice Network has a public duty to ensure that unlawful or unfair discrimination, whether direct or indirect, is eliminated both in access to, and undertaking of, End Point Assessment for Apprenticeships. Where it is reasonable and practical to do so, it will take steps to address identified inequalities or barriers that may arise.

Best Practice Network will take every possible action to avoid discrimination and ensure that any potential barriers to accessing Apprenticeship End Point Assessment are identified and mitigated against.

Best Practice Network will work with all stakeholders, including Employers, Apprentices (and/or representatives) and Training Providers to ensure that there are no unreasonable barriers to the Apprenticeship End Point Assessment that it designs, develops and undertakes.

Assessment activities will be designed to be accessible to all with a range of alternative arrangements in place to mitigate against any issues that may arise, for example online activities when face to face is not possible. If the End Point Assessment includes a justifiable barrier, the reason and nature of this will be stated and its

inclusion will only be allowed if it manifestly affects the integrity of the Apprenticeship End Point Assessment to not include it.

Best Practice Network will monitor any instances where there is believed to be a barrier to Apprenticeship End Point Assessment. These will be recorded and included in discussion as part of the Apprenticeship End Point Assessment review process.

Access to End Point Assessment shall be based solely on individuals' merits and Best Practice Network will collect equality data where available to monitor and ensure compliance with equalities law and regulatory requirements and ensure validity and reliability.

Best Practice Network is committed to supporting, developing and promoting equality and diversity in all its practices and it aims to establish an inclusive culture, free from discrimination, harassment, and victimisation. Best Practice Network will, in carrying out its activities, have due regard to:

- the promotion of equality of opportunity
- the promotion of good relations between different groups
- the elimination of unlawful indirect and direct discrimination

Best Practice Network recognise the specific requirements of section 53 of the Equalities Act 2010 with regard to Qualifications Bodies (Appendix A).

## 5. Breach of the policy

Best Practice Network will take seriously any instances of non-adherence to the Equality and Diversity Policy by Apprentices, staff or visitors. Any instances of non-adherence will be investigated with the intent of resolving such matters. Where appropriate, such instances may be considered under the relevant disciplinary policy for staff or Apprentices.

Apprentices who believe there has been a breach of this policy may complain through the Best Practice Network's Complaints Procedure.

## 6. Definitions

### Direct discrimination

Actions where people are treated less favourably than others on the grounds related to their identity as one of a protected group.

### Diversity

Recognising, valuing and taking account of individuals' different backgrounds, knowledge, skills and experiences to create a more productive and effective educational community.

### Equal opportunity

This is the right of individuals and protected groups to equality of access and outcome in employment and service delivery.

## Equality

A situation where all can participate and where everyone has the opportunity to fulfil their potential.

## Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic;
- Sexual harassment;
- Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex.

Pregnancy and maternity is not protected directly under the harassment provisions.

## Indirect discrimination

This occurs where a condition or requirement has been put in place which applies to all, but, in practice, has a detrimental effect upon a group of individuals that cannot be fully justified.

## Positive action

This is action taken by an organisation to provide development opportunities for 'Protected groups' who are demonstrably and statistically under-represented within Best Practice Network.

## Protected groups

Equality legislation currently provides protection against unlawful discrimination in employment and service delivery on the following grounds:

- Age
- Disability
- Gender Identity
- Marriage and civil partnership
- Maternity and Paternity
- Race
- Sex
- Religion and Belief
- Sexual orientation

## Victimisation

This is the treatment of someone less favourably because they have made or might make a complaint about discrimination under one of the above protected group categories.

## Appendix A Extract from the Equalities Act 2010 relevant to Qualification Bodies

### 53 Qualifications bodies

(1) A qualifications body (A) must not discriminate against a person (B)—

- (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
- (b) as to the terms on which it is prepared to confer a relevant qualification on B;
- (c) by not conferring a relevant qualification on B.

(2) A qualifications body (A) must not discriminate against a person (B) upon whom A has conferred a relevant qualification—

- (a) by withdrawing the qualification from B;
- (b) by varying the terms on which B holds the qualification;
- (c) by subjecting B to any other detriment.

(3) A qualifications body must not, in relation to conferment by it of a relevant qualification, harass—

- (a) a person who holds the qualification, or
- (b) a person who applies for it.

(4) A qualifications body (A) must not victimise a person (B)—

- (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
- (b) as to the terms on which it is prepared to confer a relevant qualification on B;
- (c) by not conferring a relevant qualification on B.

(5) A qualifications body (A) must not victimise a person (B) upon whom A has conferred a relevant qualification—

- (a) by withdrawing the qualification from B;
- (b) by varying the terms on which B holds the qualification;
- (c) by subjecting B to any other detriment.

(6) A duty to make reasonable adjustments applies to a qualifications body.

(7) The application by a qualifications body of a competence standard to a disabled person is not disability discrimination unless it is discrimination by virtue of section 19.