





# EQUALITY, DIVERSITY, AND INCLUSION POLICY

(Inc. Harassment, Victimisation, Bullying and  
Child-on-child abuse)

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## Board Signatures



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# Promotion of Diversity in Apprentify

## Background

Apprentify are committed to equality of opportunity for all current and former staff, learners, associates, job applicants, visitors, clients, customers, and suppliers. We use the Equality Act 2010 as the legal basis for this policy.

Our aim is to create a working environment where:

- All decisions are based on merit.
- Individuals can make best use of their skills, free from discrimination against legally 'protected characteristics.'
- Age, disability, sex, sexual orientation, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion, or belief.

We do not discriminate against anyone in any circumstances or situation. Nor do we allow our staff or learners to discriminate, or to be discriminated against.

Despite that strong commitment, our policy does not bind us to the needs of any specific group. We do whatever we can to accommodate the requirements of different religions, cultures, and domestic responsibilities. *For example, we recognise the importance of respecting the religious, racial and gender-specific clothing requirements of individuals, and the needs of staff with disabilities.*

## The policy's scope and purpose

This policy applies to all aspects of our relationship with staff, learners and to relations between staff members and learners at all levels. The policy is absolute; we do not discriminate against anyone in any circumstances or situation, and we do not allow our staff to discriminate, or to be discriminated against at work.

The policy covers job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment. It covers all employees, contractors & learners, and permeates all our policies.

This policy is linked to our [Prevent Policy](#). Apprentify is committed to ensuring it meets all its statutory duties and responsibilities with regards to prevent to ensure we provide a safe and secure environment for our learners.

## Equality, Diversity, and Inclusion Statement

*Our organisation, **Apprentify** is committed to the entitlement of high-quality education to all eligible learners from all backgrounds. We understand our responsibility in enabling learners to be respectful citizens both during and after their time in education, developing their understanding of and appreciation for equality and diversity.*

*Apprentify has a full equality, diversity, and inclusion policy which all staff are familiarised with and adhere to at every moment.*

### Apprentify's responsibility

We will promote this policy as part of our staff and learner induction process, annually via own e-learning courses and our website.

In compliance with the legal requirements relating to 'protected characteristics', we do not discriminate directly or indirectly against anyone. We also do whatever we can to accommodate the requirements of different religions, cultures, and domestic responsibilities. For example, while we ask everyone to dress smart-casual to promote a positive image and look professional, we recognise the importance of respecting the religious, racial and gender-specific clothing requirements of individuals, and the needs of staff with disabilities.

Every academic year we will ensure that all staff complete a CIPD recognised Equality and Diversity e-learning course to raise awareness and improve knowledge of this topic, in conjunction with this policy.

### Your responsibility

'We' means everyone. You have a duty to follow this policy and treat everyone you encounter at work with dignity and respect. You must not discriminate against or harass anyone because of a protected characteristic, or for any other reason.

## Direct and indirect discrimination

Direct discrimination occurs when someone is treated less favourably than others because they have a legally protected characteristic (age, gender, race, etc.). For example, rejecting an Asian or Afro-Caribbean applicant, a gay man or someone with a disability because they would not 'fit in' is direct discrimination.

Indirect discrimination occurs when a requirement makes it more difficult for someone with a protected characteristic to succeed. *For example, deciding that applicants must come from a specific geographical area where many residents is of one racial group indirectly discriminates against all other groups.*

## The policy in action

If you believe that you have been discriminated against in any way, including being harassed because of a protected characteristic, raise it through our [Grievance Procedure](#). We treat all allegations of breaches of this policy very seriously and in total confidence. We investigate thoroughly, and with extreme care and sensitivity.

If anyone makes allegations in good faith, we will ensure they are not victimised or treated less favourably as a result. However, if we find that someone has made false allegations in bad faith, we will deal with it under our [Disciplinary Procedure](#).

Any member of Apprentify who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour is gross misconduct, leading to summary dismissal.

## Recruitment and selection

Our aim is to ensure that no job applicant or learner suffers discrimination regarding any of the protected characteristics (age, race, gender, disability, etc.).

We review our recruitment and induction procedures regularly to ensure that we treat individuals based on their relevant merits and abilities. We review job selection criteria regularly to ensure they are relevant, and we take steps to reach a diverse labour market with our job advertisements, which avoid stereotyping, or wording that may discourage groups from applying.

We do not ask applicants about health or disability before making a job offer, although there are very limited exceptions to that rule. Each one needs careful checking before use, to make sure it's valid and appropriate, and they include:

- Questions necessary to establish whether an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
- Questions to establish whether an applicant is fit to attend an assessment, or to identify any reasonable adjustments that may be needed.
- Positive action to recruit disabled persons.
- Equal opportunities monitoring (not part of the decision-making process.)

Neither do we ask applicants about:

- Past or current pregnancy or future intentions related to pregnancy.
- Any matters concerning any of the protected characteristics.

That said, the law requires us to ensure that all employees are entitled to work in the UK, and not to make assumptions about immigration status based on appearance or apparent nationality.

So, to satisfy immigration legislation, all prospective staff – of any nationality – must be able to produce original documents (such as a passport) before employment starts. (More at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>)

## Training, promotion, and conditions of service

We identify training needs through our initial assessment process, regular reviews and annual appraisals, and our aim is to give all staff access to the training they need to perform well and progress within Apprentify.

- We make all promotion decisions based on merit.
- We review our conditions of service regularly and examine the benefits and facilities we offer to confirm that there are no unlawful obstacles preventing all relevant people from accessing them.
- All staff are required to complete an online Equality and Diversity upskill/refresher course per annum.

## Termination of employment

We ensure that redundancy criteria and procedures are fair and objective and are in no way biased or discriminatory.

We also apply our disciplinary procedure and penalties fairly and equitably, treating everyone the same when it comes to warnings, dismissal, or other disciplinary action.

## Disability discrimination

We monitor the physical features of our premises to make sure they don't place physically disabled workers, job applicants or visitors at a substantial disadvantage in relation to other staff. We do what we can to improve the experience for staff and others with any disability.

## Fixed-term employees and associate workers

We monitor our use of fixed-term employees and associate workers, as well as their conditions of service, to ensure that we are offering appropriate access to benefits, training, promotion, and permanent employment opportunities. Where relevant, we monitor their progress to ensure they have access to permanent vacancies.

## If you are disabled or develop a disability

If you have, or develop, a disability, please tell us about your condition so that we can arrange to give you the right sort of support.

If you experience physical difficulties at work because of your disability, talk to your line manager about any reasonable adjustments that would help overcome or minimise the difficulty. The Managing Director may then want to talk to you and your medical adviser(s) about possible adjustments.

Once we know all the facts, we will consider the matter carefully and try to accommodate your needs, within reason. If we decide that an adjustment is not reasonable, we will explain our reasons and try to find an alternative solution.

## Overarching Strategy

Our strategic plan is strongly underpinned by our core values as a diverse, inclusive and professional community that respects individuals and enables them to strive for success in order to contribute positively and sustainably to the local, region, wider society and the national economy.

In supporting the principles of mainstreaming and meeting all legislative duties in ensuring we enact our commitment to equality and diversity and the institutional values these commitments represent; the following key aims have been identified:

- Foster an inclusive culture in which all staff and learners, regardless of gender, background, heritage, etc.
- Engage staff and learners in the rationale for and benefits of diversity, and gender balance.
- Increase the diversity of staff and learners, particularly increasing the proportion of BAME learners on programme to >18%.
- Provide additional support, within staff competencies, that may be required by our staff and learners (or signpost otherwise.)
- Challenge the status quo, remove barriers, and embrace transformational ideas around how we recruit, retain, and promote staff and learners.

This is measured on a quarterly basis by the senior management team and recorded within the Quality Improvement plan.

# Harassment, Victimization & Bullying

## Policy

**We do not tolerate harassment, victimisation or bullying** in any circumstances. We regard them all as gross misconduct, so offenders are liable to summary dismissal.

**Harassment** is unwanted physical, verbal, or non-verbal conduct that intends to, or does, violate someone's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. It can be just a single incident.

It can include treating someone less favourably because they have either submitted to, or have refused to submit to, such behaviour in the past. Harassment may be sexual or relate to any of the protected characteristics. But even if it falls outside those categories, it is unacceptable and against our policy.

Updated guidance from Human rights legislation makes it clear that being subjected to harassment, violence and or abuse, may breach children's rights, as set out in the Human Rights Act.

**Victimisation** is like harassment. It is where someone receives less favourable treatment because they did something they were entitled to do that offended a colleague – so they may be victimised for having complained, given information about discrimination or harassment, supported someone else's complaint, 'blown the whistle' or raised a legitimate grievance against someone else.

**Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power, which can make the person on the receiving end feel vulnerable, upset, humiliated, undermined or threatened. It may be obvious or subtle, open, or hidden, physical, and/or verbal and/or non-verbal. (Power does not always mean authority; it can include personal strength, and/or the power to coerce through fear or intimidation.)

**Child-on-child abuse** does not refer only to sexual abuse, but also to other forms of child-on-child abuse, such as bullying. The term 'Child-on-child abuse' is helpful in focusing professionals' attention on the fact that children can abuse other children. However, in the context of **sexual abuse** it could lead to professionals dismissing potentially harmful sexual behaviour as simply 'developmental', when there are power dynamics, age imbalances and other aspects that would warrant further investigation. In this report, we use the term 'Child-on-child' while recognising its limitations. This is linked to our [Safeguarding policy](#).



# Guidelines and procedure

## Overview

**Harassment** may seem harmless or feel like a joke to the perpetrator, but it is neither humorous nor acceptable. It is a serious matter that includes:

- Unwanted physical conduct or 'horseplay', including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault
- Unwelcome sexual advances or suggestive behaviour, and suggestions that sexual favours may further a career, or that a refusal may hinder it
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet)
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks
- Mocking, mimicking, or belittling a person's disability
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical
- Remarks about an ethnic or religious group or gender
- Outing or threatening to out someone as LGBTQ+
- Ignoring or shunning someone; for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended 'target'. A person may be harassed by racist jokes about an ethnic group other than their own if those jokes create an offensive environment for her/him.

The Protection from Harassment Act 1997 makes it unlawful to pursue a course of conduct that you know, or ought to know, would be harassment, including causing someone alarm or distress. The Health and Safety at Work Act 1974 says that staff are entitled to a safe place and system of work.

Individual members of staff may be legally liable if they harass colleagues or third parties, and a court or employment tribunal can order them to pay compensation.

**Bullying** may be obvious or subtle, open, or hidden, physical, and/or verbal and/or non-verbal. Each situation is different and must be looked at in context, but some examples are when an individual or a group:

- Shouts at, is sarcastic towards, ridicules or demeans someone else
- Uses physical or psychological threats
- Applies overbearing and intimidating levels of supervision
- Makes inappropriate/derogatory remarks about someone's performance
- Abuses their authority or power
- Excludes someone from meetings or communications without good reason.

However, legitimate, reasonable, and constructive criticism of someone's performance or behaviour is not bullying.

## Response to the review of sexual abuse in schools and colleges – June 2021

In June 2021, Ofsted were asked by the government to conduct a rapid review of sexual abuse in schools and colleges. They considered Safeguarding and curriculum; multi-agency safeguarding arrangements; Victims' voice and reporting and other considerations.

The following were outlined as recommendations:

School and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues and intervene early to better protect children and young people.

In order to do this, they should assume that sexual harassment and online sexual abuse are happening in their setting, even when there are no specific reports, and put in place a whole-school approach to address them. This should include:

- A carefully sequenced RSHE curriculum, based on the Department for Education's (DfE's) statutory guidance, that specifically includes sexual harassment and sexual violence, including online. This should include time for open discussion of topics that children and young people tell us they find particularly difficult, such as consent and the sending of 'nudes.'
- High-quality training for teachers delivering RSHE.
- Routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse.
- A behavioural approach, including sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated.
- Working closely with LSPs in the area where the school or college is located so they are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour.
- Support for designated safeguarding leads (DSLs), such as protected time in timetables to engage with LSPs.
- Training to ensure that all staff (and governors, where relevant) are able to:
  - Better understand the definitions of sexual harassment and sexual violence, including online sexual abuse
  - Identify early signs of Child-on-child sexual abuse
  - Consistently uphold standards in their responses to sexual harassment and online sexual abuse

Apprentify will continually review its safeguarding processes and as well it's curriculum in line with these recommendations.

## What to do if you are the victim of bullying or harassment?

We take all allegations of victimisation, bullying and harassment extremely seriously. If you feel you are being targeted, give your manager, or a member of the safeguarding team, a written complaint (or disclosure) setting out:

- Full details of the event(s), including the name of the alleged harasser or bully
- The nature of the harassment or bullying
- The date(s) and time(s) it occurred
- The names of any witnesses
- Any action taken so far to attempt to stop it happening.

If the complaint is about your line manager, send it directly to the MD.

As a general principle, you can decide at any stage whether to continue the complaint or abandon it. However, we have a duty to protect all our staff and may pursue the matter independently if we believe it is the right thing to do.

Once we receive a complaint, we arrange a meeting, usually within a week of receiving your complaint, so you can give your account. You may bring a companion

- A colleague or trade union representative
- Who must respect the confidentiality of the process
- The investigator gives you a provisional timetable for the investigation and arranges further meetings as needed.

If the complaint proceeds, we investigate promptly. Neither we nor you must tell anyone not involved in the complaint or the investigation about it, and if we interview witnesses, we emphasise to them the importance of confidentiality. In all cases, breaching confidentiality may lead to disciplinary action.

Someone with appropriate experience and no prior involvement in the complaint carries out the investigation with sensitivity and due respect for the rights of everyone concerned. It is a thorough, impartial, and objective process, and if it shows there has been harassment or bullying, we take prompt action.

If you ask for changes to your working arrangements during the investigation, we do our best to accommodate them; so, if you ask us to change your duties or working hours to avoid or minimise contact with the alleged harasser or bully, we do what we can within the constraints of having to run the business.

If your complaint is about someone other than an employee, such as a contractor, customer, service user, supplier, or visitor, we will try to discuss the matter with them where appropriate. We will take any action needed to protect you and anyone involved while the investigation is going on, bearing in mind the reasonable needs of the business and the rights of that person.

If your complaint is about an employee, the investigator will meet with them (and their companion, if appropriate). They have a right to be told the details of the allegations against them, so they can respond. We may consider suspending them on full pay or making other temporary changes to working arrangements until we know the outcome of the investigation.

At the end of the investigation, we arrange a meeting with you, and your companion if appropriate, to discuss the outcome and the action we are taking, if any. You and the (alleged) harasser/bully receive a copy of the findings.

If the case is proved against an employee, we deal with the matter under our Disciplinary Procedure, normally as Gross Misconduct. If it is a third party, we take appropriate action, possibly writing to them and/or their superior about their behaviour, or even banning them from our offices or terminating a contract with them.

Whether or not your complaint is upheld, we take steps to help manage the working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

As we have said elsewhere in these policies, we apply the Disciplinary Procedure to any staff member who deliberately gives false information or otherwise acts in bad faith as part of an investigation.

## Your right to appeal

If you are not satisfied with the outcome, you may appeal in writing to the Board of Directors within five working days of the date we sent or gave the decision to you, stating your full grounds of appeal.

There is then an appeal meeting, normally within a week of receiving your appeal. It is dealt with impartially by someone who has not previously been involved in the case, usually a Director of Apprentify, although they may ask anyone previously involved to be present. As before, you have a right to bring a companion to the meeting.

We then confirm our final decision in writing, usually within a week of the appeal hearing. This is the end of the procedure and there is no further appeal.

## Review

This policy applies to ESF Skills for Growth: Reskill & Upskills for the Digital Industry contract.

This Policy will be reviewed annually or earlier if deemed necessary.