



BlueWhale Training recognises and values people's differences and will assist them to use their talents to reach their full potential.

The organisation will do all it can to ensure it recruits, trains and promotes people based on qualifications, experience and abilities for all roles within the organisation.

This policy is designed to ensure that Blue Whale complies with its obligations under equality legislation and demonstrates our commitment to treating people equally and fairly.

Blue Whale is unreservedly opposed to any form of discrimination on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (defined as Protected Characteristics).

Using fair and objective employment practices, the organisation aims to ensure that;

- All employees and potential employees are treated fairly and with respect at all stages of their employment.
- All employees volunteers and learners have the right to be free from harassment and bullying of any description, or any other form of unwanted behaviour. Such behaviour may come from other employees or by people (third parties) who are not employees of Blue Whale such as customers or clients.
- All employees, volunteers, and service users) have an equal chance to contribute and to achieve their potential, irrespective of any defining feature that may give rise to unfair discrimination.
- All employees, volunteers, and learners have the right to be free from discrimination because they associate with another person who possesses a Protected Characteristic or because others perceive that they have a particular Protected Characteristic, even if they do not.

The organisation commits to;

- encourage equality and diversity in the workplace as they are good practice and make business sense
- create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued

This commitment includes training managers and all other employees about their rights and responsibilities under the equality policy. Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

All staff should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public

- take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities

- Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice
- Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence
- make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation
- decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act)
- review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law
- monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy

Monitoring will also include assessing how the equality policy, and any sporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues

The equality policy is fully supported by senior management and has been agreed with employee representatives. Details of the organisation's grievance and disciplinary policies and procedures can be found on the server and in the Company Handbook. This includes with whom an employee should raise a grievance – usually their line manager. Use of the organisation's grievance and/or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

1. The key objectives of this policy are:-

- to promote equal opportunities in the workplace and training environment;
- to maximise the effective use of the organisation's workforce;
- to ensure that no employee, learner or applicant receives less favourable or inappropriate treatment either directly or indirectly than another on the grounds of sex, marital status, colour, gender re-assignment, race, religion or belief, sexual orientation and disability issues;
- to deal effectively with any instances of discrimination;
- to ensure that all directors, employees and learners understand their rights and responsibilities under this Policy;
- to make employees and learners aware of the consequences of not adhering to the standards required by this Policy;
- to identify action to monitor the Policy and encourage equality of opportunity.

2. Monitoring Arrangements

BlueWhale Training accepts that monitoring equal opportunities within the organisation is an essential step in ensuring that the Policy and procedures are working, and that discrimination is not taking place. While it is not a legal requirement to monitor religion or sexual orientation it is considered reasonable to do so, subject to

the agreement of the workforce, learners and recognised staff/trade union representatives.

The overall objectives of the monitoring will be:

- to discover any barriers to equality of opportunity;
- to analyse the reasons for any differences in treatment of an individual or group of individuals;
- to identify areas where change is needed;
- to identify the steps necessary to overcome barriers and achieve the required change.

In recruitment, the purpose of monitoring will be to identify:

- whether members of one sex/racial group do not apply for employment/training, or if the proportion applying is smaller than might be expected;
- whether members of one sex/racial group are not recruited, or if the proportion recruited is significantly lower than their rate of application;
- the numbers of disabled job applicants and the proportion who are successful in obtaining employment/training within the organisation, compared to the overall proportion of successful applicants.

In order to satisfy these obligations and duties and to monitor the effectiveness of this Policy, certain personal sensitive data will be collected from applicants. This information will not be used in order to select individuals for employment/training, but some sensitive personal data (regarding criminal convictions and physical/mental health) may be used in order to verify the safety of proceeding with either an application or a job/training offer.

The Data Protection Act sets out a series of conditions, at least one of which has to be met before an employer/provider can collect, store, use, disclose or otherwise process sensitive personal data.

Sensitive personal data is information concerning an individual's: -

- racial or ethnic origin;
- political opinions;
- religious beliefs or other beliefs of a similar nature;
- trade union membership;
- physical or mental health or condition;
- sexual life;
- commission or alleged commission of any offence; or
- proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

In ensuring that relevant information is made available during the recruitment and selection process, and in order to collect information which allows monitoring of the equal opportunities policy of the organisation, sensitive personal data will be collected separately from all other information at the application stage. This information will be treated in the strictest confidence and will not be used as part of the selection process. However certain information (typically from information regarding physical/mental health or criminal records) may come to light which could result in the application process being halted, or an offer being withdrawn.

Personal data collected will include:

- criminal record;
- physical and mental health, including details about any disability;
- ethnic origin;
- age;

- gender;
- marital status.

All job/learner applicants will be asked to consent to the disclosure of such information. The BlueWhale Training Equal Opportunities Monitoring Form will be used to collect this information.

3. Training

All employees will be trained, developed and promoted solely on the basis of merit and ability. As part of our commitment to the implementation of this Policy BlueWhale Training will take measures to ensure that this Policy is observed and will ensure that all relevant employees particularly those involved in the selection process are aware of the obligations and duties imposed by relevant employment legislation and receive appropriate training in equal opportunity issues.

4. Positive Action

Selection for employment or promotion is based solely on merit, having regard to the requirements of the job. However, should obvious inequalities become apparent, and some form of positive action be considered desirable, then such action will be taken within the parameters set for this purpose by the legislation.

5. Complaints and Grievances

Should an employee/learner believe that he or she has received less favourable treatment which is in contravention of this Policy, or has been the subject of harassment or victimisation, then they should use the Grievance Procedure.

If a job applicant believes that he or she has received treatment which is in contravention of this Policy he/she should use BlueWhale Training normal complaints process.

Every attempt will be made to find a solution which may include mediation and/or an apology.

6. Malicious Allegations

Where an accusation of bullying or harassment is found to be false, and was made for malicious reasons, then that in itself will be considered a breach of this Policy and will be investigated. This may lead to disciplinary action.

7. Safeguards

To safeguard individual rights, if the employee, learner or job applicant believes that BlueWhale Training has applied unfair treatment within the scope of the Policy, the matter should be raised through the Grievance

Procedure or the complaints process respectively.

BlueWhale Training will ensure that any employee/learner who feels that he or she has been treated unfairly or subjected to direct or indirect unfair discrimination can raise the matter through the appropriate Grievance Procedure when every effort will be made to secure a satisfactory resolution. Any employee/learner making a complaint of unfair discrimination will be protected from any victimisation in any form.

Any action under this Policy will be confidential to all parties and BlueWhale Training will not disclose information except where disclosure is necessary for the purposes of investigating the complaint or taking relevant disciplinary measures or is subject of legal proceedings.

No employee/learner will be reprimanded or suffer harassment from anyone as a result of seeking resolution of a complaint through this Policy, unless the complaint was made maliciously.

An employee has the right to be accompanied, (provided that they make a reasonable request to do so) at

any hearings held in respect of any complaint investigated as result of the implementation of this Policy. This is, however, restricted to a trade union official or a work colleague.

Records will be kept detailing the nature of the complaint, the response, any action taken and the reasons for it. These records will be kept confidential and retained in accordance with Data Protection principles.

8. Organisational Issues

During the course of the implementation or operation of this Policy it may be found that organisational issues have to be addressed. These may include:

- inadequate training of managers
- inadequate awareness of staff
- inadequate supervision
- the policy or procedures require review or enhancement.

Any such issues should be reported to the Manager and appropriate action taken.

9. Review

BlueWhale Training policy, practices and procedures will reviewed periodically, as appropriate, to assess their effectiveness and any appropriate changes made. These will include all aspects of employment, including recruitment, promotion, training, disciplinary action, etc, to ensure that there are no inherently discriminatory practices evident. Where such reviews throw certain practices into question, barriers to fulfilment of equal opportunities exist or where discrimination may be evident, albeit unintentional, then such barriers and/or practices will be removed and/or changed so as to remove any inappropriate discrimination or unfair or unequal treatment.

Signed:

A handwritten signature in black ink, appearing to read 'Ben Hayes', with a stylized flourish at the end.

Ben Hayes - Company Director - August '22

Review Date: August '23