

POLICY NAME	EQUAL OPPORTUNITIES POLICY		
POLICY REF	PSPP12	REVISION	7
AUTHOR	S HAMER	DATE	31/01/2024
APPROVED BY	J HAMER	NEXT REVIEW	31/01/2025
<p>Policy Statement</p> <p>Pentagon Skills is committed to providing equal opportunities in employment and study and opposes all forms of unlawful discrimination in employment and against students on the grounds of the following ‘protected characteristics’ as defined in the Equality Act 2010: gender and gender identity; disability; ethnicity; religion or belief; age; and sexual orientation.</p> <p>This policy is intended to assist Pentagon Skills to put its commitment to providing equality of opportunity and opposing unlawful discrimination into practice. Compliance with this policy should also ensure that no member of Pentagon Skills (employees, students and Directors) commits unlawful acts of discrimination.</p> <p>We believe it is in the best interests of Pentagon Skills, and those of all who work and study with us, to ensure that the talents and skills of all members of the Pentagon Skills community are valued. Therefore, we are committed, wherever practicable, to achieving and maintaining best practice in equality issues.</p> <p>Striving to ensure that the work and learning environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities.</p> <p>Policy Scope</p> <p>The Equal Opportunities policy applies to prospective and existing employees, students and Directors of Pentagon Skills</p> <p>Equality and the Law</p> <p>It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, gender, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These factors are defined as ‘protected characteristics’ in the Equality Act 2010.</p> <p>Discrimination after the employment relationship has ended may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.</p> <p>Every possible step will be taken to ensure that individuals are treated appropriately and fairly and that objective criteria are used in:</p> <ul style="list-style-type: none"> • Staff recruitment and selection, training, promotion and career management, grievance, disciplinary and capability procedures. • Student admissions, choice of programme of study, assessment decisions, grievance and disciplinary procedures. 			

Pentagon Skills staff should not discriminate against or harass any other members of the Pentagon Skills staff and/ or learners/ member of the public or anyone else, related to their professional activities or otherwise, in the provision of our services.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of the services. As a service provider Pentagon Skills will endeavour to think ahead and address any barriers that may impede disabled people from accessing Pentagon Skills as a place of study or as place of work.

Types of Unlawful Discrimination (as Defined in the Equality Act 2010)

Different types of discrimination are explained below:

- **Direct Discrimination:** Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.
- **Indirect Discrimination:** Indirect Discrimination can occur when a condition, rule, policy or practice in the organisation applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified in terms of the action being ‘a proportionate means of achieving a legitimate aim’. A legitimate aim might be any lawful decision made in the running of Pentagon Skills. Being proportionate means being fair and reasonable, including being able to demonstrate that ‘less discriminating’ alternatives have been considered.
- **Discrimination by Association:** This is Direct Discrimination against someone because they associate with another person who possesses a protected characteristic.
- **Perception Discrimination:** This is Direct Discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.
- **Victimisation:** Victimisation occurs when an employee is treated badly because they have made or supported a complaint, or raised a grievance under the Equality Act, or because they are suspected of doing so.
- **Harassment:** Harassment is ‘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’.
- **Third Party Harassment:** The Equality Act makes an employer potentially liable for harassment of employees by people (third parties) who are not employees of Pentagon Skills, such as customers, contractors or visitors.
- **Bullying:** Although there is no statutory definition of bullying, Pentagon Skills is committed to promoting a culture of mutual respect and preventing the occurrence of bullying, which ACAS defines as: ‘offensive, intimidating, malicious or insulting

behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.’

Equal Opportunities in Employment

Pentagon Skills will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions other than in exceptional circumstances.

Pentagon Skills will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which the work is to be done, when considering ‘flexible working’ requests permitted by law and any other request for a variation to standard working practices. Pentagon Skills will comply with its obligations in relation to statutory requests for flexible working and will decline such requests only in accordance with the statutory procedure. Pentagon Skills will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Customers, Suppliers and Other People Not Employed by Pentagon Skills

Pentagon Skills will not discriminate unlawfully against students, visitors, contractors and any other identified third party using or seeking to use the facilities and services provided by Pentagon Skills.

Employees should report any bullying or harassment by a third party to their Centre Manager who will take appropriate action.

Students should report any bullying or harassment by a member of staff, fellow student or other identified party to their Safeguarding Officer or the Centre Manager who will take appropriate action.

Training

Pentagon Skills will endeavor to provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

Pentagon Skills will endeavor to provide training to relevant personnel to enable them to deal more effectively with complaints of bullying and harassment.

Individual Opportunities

Every employee and student is required to assist Pentagon Skills to meet its commitment to provide equal opportunities in employment and study, and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, Pentagon Skills for any act of Unlawful discrimination. Employees who commit serious acts of discrimination, harassment, bullying or victimisation against employees, students or customers will be regarded as misconduct and subject to Pentagon Skills disciplinary procedures for staff and students respectively, depending on the status of the alleged perpetrator.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal from employment or exclusion from study without notice.

Grievances

- If you consider that you may have been unlawfully discriminated against, you may use the Pentagon Skills grievance procedure (employees) or complaints procedure (students) to make a complaint.
- Pentagon Skills will take any complaint seriously and will seek to resolve any grievance that it upholds. The complaint will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.
- Using the Pentagon Skills grievance procedure does not affect an employee's right to make a complaint tribunal. Complaints to an employment tribunal must be normally be made within three months beginning with the act of discrimination complained of.

Access to the Policy

- This policy is available to all staff and students on request from the Centre Manager.
- The policy can be made available in alternative formats on request to the Centre manager.

Monitoring and Review

- Pentagon Skills will monitor this policy annually, or more frequently if required, to judge its effectiveness and will be updated in accordance with changes in the law. Pentagon Skills will monitor the ethnic and gender composition of the existing workforce, student population and of applicants for jobs (including promotion), and the number of people with disabilities within these groups. The Equal Opportunities Policy will be reviewed in accordance with the results shown by the monitoring. If changes are required, then Pentagon Skills will implement them.
- Information provided by job applicants, student applications and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.