

Equality and Diversity Policy



BHS Qualifications (BHSQ) is committed to making sure all its activities are conducted fairly, transparently, objectively and free from bias. The purpose of this policy is to ensure BHSQ and all those that work with it understand the legal requirements of the Equality Act 2010 and that all behave accordingly. This is to ensure as far as possible that all those connected with BHSQ work in a fair and tolerant environment.

The policy applies to all areas of BHSQ's business including directors, employees, contractors, home workers, agency workers and any associate staff, moderators, verifiers, assessors, examiners, freelance staff, learners, other customers and stakeholders. It is the responsibility of all to support the policy by ensuring that BHSQ's activities and communications promote equality and diversity.

This document will:

- Explain why we have an equality and diversity policy
- Explain what happens in the event of discrimination.

It is useful to refer to the following policies and documents when reading this:

- Sanctions Policy
- Appeals Policy
- Complaints Policy
- Operational Handbooks and Manuals.

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Why we have an Equality and Diversity Policy

BHS Qualifications (BHSQ) recognises that every person is an individual with different needs, preferences and abilities. It aims to reflect this diversity in everything it does, including making its services inclusive and accessible to people from all sections of the community, and attracting and retaining a diverse workforce. BHSQ believes in harnessing different life experiences, attributes and contributions from approved centres, learners, employees, volunteers and BHSQ representatives. This will make BHSQ a more effective and inclusive organisation and a better place to work.

This policy sets out our approach to equal opportunities and the avoidance of discrimination or harassment whilst conducting our business. This policy works hand in hand with a number of other BHSQ policies, all of which refer to aspects of working with us, including the treatment and conduct of representatives of BHSQ. These include BHSQ's complaints and appeals policies.

The Policy Statement

BHSQ values equality and diversity. By respecting these it can meet individual needs effectively, staying in touch with an ever-changing society.

BHSQ recognise it is everyone's responsibility to ensure BHSQ is a genuinely inviting and inclusive organisation.

BHSQ has a commitment to equality and diversity, which is about:

- Recognising and valuing difference.
- Creating an environment in which individual differences and contributions are valued.
- Recognising and seeking to address inequality and disadvantage.
- Dealing with acts of discrimination, bullying, harassment, or victimisation.
- Treating all in a fair, open and honest manner.
- Recognising the right of all to be treated with respect.
- Exploring opportunities to make reasonable adjustments and special considerations.
- Working towards making its workforce and the organisation as a whole, more representative of the diverse communities we live in.
- Ensuring training, development and progression opportunities are available to all.
- Regularly reviewing all our practices and procedures to ensure fairness.
- Encouraging and supporting our partners to adopt similar policies on equality and diversity.

BHSQ has a duty under the Equality Act 2010 and will not tolerate less favourable treatment on the grounds of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation

These grounds, are called 'protected characteristics'.

BHSQ is committed to training employees, volunteers, BHSQ representatives and others about their rights and responsibilities under this equality and diversity policy.

All BHSQ representatives should understand they, as well as BHSQ can be held accountable for acts of unlawful discrimination, against learners, approved centres, fellow employees, volunteers, customers, suppliers and the public.

Discrimination

BHSQ employee, volunteers, representatives and others, will not unlawfully discriminate against or harass other individuals including, members, suppliers and visitors. This applies in the workplace, outside the workplace (on BHSQ's business), and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

- (a) **Direct discrimination:** treating someone less favourably because of a protected characteristic. For example, rejecting a job applicant because of their religious views or their sexual preferences.
- (b) **Indirect discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others, and is not justified.
- (c) **Harassment:** this includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- (d) **Victimisation:** retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- (e) **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

Examples of discrimination

BHSQ will ensure the protection of all from discrimination as far as possible and investigate any such allegations seriously. The work of BHSQ is varied and unfortunately there are many situations where discrimination could take place. Discrimination will not be tolerated in any situation. Examples of such situations are:

- An assessor failing a learner because of their sexuality rather than their ability to meet the requirements of the qualification specification.
- A centre does not apply reasonable adjustments accurately for a disabled learner on a coaching qualification, preventing the learner from becoming qualified.
- An external verifier blocking certification for an approved centre because they think the owner is too old to operate.
- An assessor behaving inappropriately with a learner and thinking it is acceptable because of their sex and age.
- A BHSQ employee not appointing an external verifier because they are a different religion and have different beliefs to theirs.

Procedures

BHSQ will ensure relevant policies are available to view, including on our website. The policy will be accessible and easy to understand. It will guide all involved to share the commitment of equality and diversity. It will explain the process for those who do not share these values. BHSQ will inform employees, volunteers, BHSQ representatives and others, how they can raise concerns if they feel these standards are not being adhered to.

Process for reporting discrimination to BHSQ

Anybody who identifies or is made aware of suspected or actual cases of discrimination at any time may notify BHSQ. For example this may be a learner, a member of staff at an approved centre or the main contact at the approved centre.

It is preferable if details are put in writing/email and include appropriate supporting evidence, such as:

- Name of the claimant.
- Name of the alleged person committing discrimination.
- Nature of the suspected or actual discrimination and associated dates.
- Details and outcome of any initial investigation carried out by the centre or anybody else involved in the case.

In cases of suspected or actual discrimination reported to BHSQ, the identity of the 'informant' will be protected, as far as possible, in accordance with BHSQ's duty of confidentiality and/or any other legal duty.

If BHSQ suspects any discrimination they will also record all relevant information, which may include:

- Centre's name, address and number.
- Learner's name and BHSQ unique ID number.
- Centre/BHSQ personnel's details (name, job role) if they are involved in the case.
- Details of BHSQ course/qualification affected or nature of the service affected.
- Nature of the suspected or actual discrimination and associated dates.

Investigating suspected or actual cases of discrimination

All reported or suspected cases of discrimination will be examined promptly by BHSQ, whether reported to BHSQ or identified by BHSQ, to establish if discrimination has occurred.

Where relevant, BHSQ will notify appropriate external agencies of any incidents as required and at the earliest opportunity.

BHSQ will be responsible for ensuring an investigation is carried out in a prompt and effective manner and in accordance with the procedures in this document.

At all times BHSQ will ensure that any personnel assigned to the investigation have the appropriate level of training and competence, and that they have no personal interest in the outcome.

In most cases of suspected or actual discrimination, BHSQ will notify the Head of Centre involved in the allegation that BHSQ will be investigating the matter. In the case of learner discrimination, BHSQ may ask the

centre to investigate the issue in liaison with BHSQ's own personnel. BHSQ may withhold details of the person making the allegation to other parties if to do so would breach a duty of confidentiality or any other legal duty. Decisions will be made depending on specific circumstances and the integrity of the claimant is of upmost importance.

Where the allegation may affect another awarding organisation and their provision, BHSQ will also inform them in accordance with the regulatory requirements and legal obligations.

BHSQ aims to action and resolve all stages of the investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required, or other parties are involved. In such instances, BHSQ will advise all parties concerned of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so, investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether discrimination has occurred.
- To identify the cause of the discrimination.
- To establish those involved in the discrimination.
- To establish the scale of the discrimination.
- To evaluate any action already taken by the centre.
- To determine whether action is required to reduce the risk to.
- To obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with the sanctions policy.
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, BHSQ will:

- Ensure all material collected as part of an investigation is secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre be retained for a period of not less than six years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for six years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with BHSQ.

Either at notification of a suspected or actual case of discrimination and/or at any time during the investigation, BHSQ reserves the right to impose sanctions on the centre in accordance with the sanctions policy in order to protect the interests of learners.

If appropriate, BHSQ may find that the complexity of a case or a lack of cooperation from a centre means that BHSQ is unable to complete an investigation. In such circumstances BHSQ will consult external agencies in order to determine how best to progress the matter.

Where a member of BHSQ's staff is under investigation, they may be suspended or moved to other duties until the investigation is complete.

Investigation report

After an investigation, BHSQ will produce a report that will:

- Identify where discrimination has taken place.
- Confirm the facts of the case.
- Identify who is responsible for the discrimination (if any).
- Confirm any actions to be taken.

BHSQ will make the final report available to the parties concerned and to the regulators and other external agencies where appropriate, normally within 10 working days of the final decision.

If it was an informant that notified BHSQ of the suspected or actual case of discrimination, they may also be informed of the outcome – normally within 10 working days of the final decision. In doing so BHSQ may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty. In some circumstances BHSQ may not notify the informant of the outcome but will explain that a decision has been made and the reasons for any non-disclosure.

If a member of BHSQ is being investigated, the Chair of BHSQ will agree the report with the relevant internal managers and the appropriate internal disciplinary procedures will be implemented.

Investigation appeals

If the investigation confirms that discrimination has taken place, BHSQ will consider what action to take to meet its regulatory and legal obligation.

If the relevant party(ies) wishes to appeal against the decision to impose sanctions, please refer to BHSQ's Appeals Policy.

Confidentiality

Sometimes a person making an allegation of discrimination may wish to remain anonymous. Although it is always preferable for the informant to reveal their identity and contact details, if they are concerned about possible adverse consequences they can request that BHSQ does not divulge their identity. BHSQ will consider each disclosure of information sensitively and carefully, and decide upon an appropriate response and detail this to the informant.

BHSQ will always aim to keep an informant's identity confidential where asked to do so, although BHSQ cannot guarantee this and may need to disclose the informant's identity to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- The courts (in connection with court proceedings).
- Any person to whom BHSQ are required by law to disclose their identity.
- Other third parties, including the regulators, where BHSQ considers it necessary to do so.

An informant should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure. For example the party against whom the allegation is made may manage to identify possible sources of disclosure without such details being disclosed to them.

BHSQ will keep the informant updated as to how BHSQ has progressed the allegation but won't disclose details of the investigation. In addition, it may not be appropriate for BHSQ to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons.

BHSQ adheres to data protection legislation and will treat all investigations sensitively and in confidence. All correspondence will be recorded securely.

Monitoring and review

This document and its content will be reviewed on a three year cycle, or earlier should it be needed to ensure it remains fit for purpose.

Date for review: April 2023

Document history

Version	Revision date	Reason
3	27/04/2020	To revise and replace previously produced document

Please note: This document is uncontrolled once printed. Please check with BHSQ for the most up to date version.